

**Calendar No. 426**

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2766**

**[Report No. 109–254]**

To authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 9, 2006

Mr. WARNER, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

To authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “National Defense Au-  
3 thorization Act for Fiscal Year 2007”.

4 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**  
5 **CONTENTS.**

6       (a) DIVISIONS.—This Act is organized into three divi-  
7 sions as follows:

8           (1) Division A—Department of Defense Au-  
9 thorizations.

10          (2) Division B—Military Construction Author-  
11 izations.

12          (3) Division C—Department of Energy Na-  
13 tional Security Authorizations and Other Authoriza-  
14 tions.

15       (b) TABLE OF CONTENTS.—The table of contents for  
16 this Act is as follows:

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- Sec. 3112. Utilization of international contributions to the Global Threat Reduction Initiative.
- Sec. 3113. Utilization of international contributions to the Second Line of Defense Core Program.
- Sec. 3114. Extension of Facilities and Infrastructure Recapitalization Program.
- Sec. 3115. Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel.
- Sec. 3116. Extension of deadline for transfer of lands to Los Alamos County, New Mexico, and of lands in trust for the Pueblo of San Ildefonso.
- Sec. 3117. Limitations on availability of funds for Waste Treatment and Immobilization Plant.
- Sec. 3118. Limitation on availability of funds for implementation of the Russian Surplus Fissile Materials Disposition Program.
- Sec. 3119. Limitation on availability of funds for construction of MOX Fuel Fabrication Facility.
- Sec. 3120. Technical correction related to authorization of appropriations for fiscal year 2006.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.

**1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

2 For purposes of this Act, the term “congressional de-

3 fense committees” has the meaning given that term in sec-

4 tion 101(a)(16) of title 10, United States Code.

**5 DIVISION A—DEPARTMENT OF**

**6 DEFENSE AUTHORIZATIONS**

**7 TITLE I—PROCUREMENT**

**8 Subtitle A—Authorization of**

**9 Appropriations**

**10 SEC. 101. ARMY.**

11 Funds are hereby authorized to be appropriated for

12 fiscal year 2007 for procurement for the Army as follows:

- 13 (1) For aircraft, \$3,457,329,000.



1           (2) For missiles, \$1,428,859,000.

2           (3) For weapons and tracked combat vehicles,  
3       \$2,849,743,000.

4           (4) For ammunition, \$2,036,785,000.

5           (5) For other procurement, \$7,729,602,000.

6 **SEC. 102. NAVY AND MARINE CORPS.**

7       (a) NAVY.—Funds are hereby authorized to be appro-  
8       priated for fiscal year 2007 for procurement for the Navy  
9       as follows:

10           (1) For aircraft, \$10,704,155,000.

11           (2) For weapons, including missiles and tor-  
12       pedoes, \$2,587,020,000.

13           (3) For shipbuilding and conversion,  
14       \$12,058,553,000.

15           (4) For other procurement, \$5,045,516,000.

16       (b) MARINE CORPS.—Funds are hereby authorized to  
17       be appropriated for fiscal year 2007 for procurement for  
18       the Marine Corps in the amount of \$1,300,213,000.

19       (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
20       are hereby authorized to be appropriated for fiscal year  
21       2007 for procurement of ammunition for the Navy and  
22       the Marine Corps in the amount of \$809,943,000.

1 **SEC. 103. AIR FORCE.**

2 Funds are hereby authorized to be appropriated for  
3 fiscal year 2007 for procurement for the Air Force as fol-  
4 lows:

5 (1) For aircraft, \$12,004,096,000.

6 (2) For missiles, \$4,224,145,000.

7 (3) For ammunition, \$1,076,749,000.

8 (4) For other procurement, \$15,434,586,000.

9 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

10 Funds are hereby authorized to be appropriated for  
11 fiscal year 2007 for Defense-wide procurement in the  
12 amount of \$2,980,498,000.

13 **Subtitle B—Army Programs**

14 **SEC. 111. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
15 **THE JOINT NETWORK NODE.**

16 (a) LIMITATION.—Of the amount authorized to be  
17 appropriated by section 101(5) for other procurement for  
18 the Army and available for purposes of the procurement  
19 of the Joint Network Node, not more than 50 percent of  
20 such amount may be available for such purposes until the  
21 Secretary of the Army submits to the congressional de-  
22 fense committees a report on the strategy of the Army  
23 for the convergence of the Joint Network Node, the  
24 Warfighter Information Network—Tactical, and the  
25 Mounted Battle Command On-the-Move communications  
26 programs.

1 (b) ELEMENTS.—The report described in subsection  
 2 (a) shall include a description of the acquisition plan re-  
 3 quired for the convergence described in that subsection,  
 4 including the implementation plan, schedule, and funding  
 5 of such acquisition plan.

6 (c) DEADLINE.—The report described in subsection  
 7 (a) shall be submitted under that subsection, if at all, not  
 8 later than March 15, 2007.

9 **SEC. 112. COMPTROLLER GENERAL REPORT ON THE CON-**  
 10 **TRACT FOR THE FUTURE COMBAT SYSTEMS**  
 11 **PROGRAM.**

12 (a) REPORT REQUIRED.—Not later than March 15,  
 13 2007, the Comptroller General of the United States shall  
 14 submit to the congressional defense committees a report  
 15 on the participation and activities of the lead systems inte-  
 16 grator in the Future Combat Systems (FCS) program  
 17 under the contract of the Army for the Future Combat  
 18 Systems.

19 (b) ELEMENTS.—The report required by subsection  
 20 (a) shall include the following:

21 (1) A description of the responsibilities of the  
 22 lead systems integrator in managing the Future  
 23 Combat Systems program under the contract for the  
 24 Future Combat Systems, and an assessment of the  
 25 manner in which such responsibilities differ from the

1 typical responsibilities of a lead systems integrator  
2 under acquisition contracts of the Department of  
3 Defense.

4 (2) A description and assessment of the respon-  
5 sibilities of the Army in managing the Future Com-  
6 bat Systems program, including oversight of the ac-  
7 tivities of the lead systems integrator and the deci-  
8 sions made by the lead systems integrator.

9 (3) An assessment of the manner in which the  
10 Army—

11 (A) ensures that the lead systems inte-  
12 grator meets goals for the Future Combat Sys-  
13 tems in a timely manner; and

14 (B) evaluates the extent to which such  
15 goals are met.

16 (4) An identification of the mechanisms in place  
17 to ensure the protection of the interests of the  
18 United States in the Future Combat Systems pro-  
19 gram.

20 (5) An identification of the mechanisms in place  
21 to mitigate organizational conflicts of interests with  
22 respect to competition on Future Combat Systems  
23 technologies and equipment under subcontracts  
24 under the Future Combat Systems program.

1 **SEC. 113. REPORTS ON ARMY MODULARITY INITIATIVE.**

2 (a) REPORT BY SECRETARY OF THE ARMY.—

3 (1) REPORT REQUIRED.—Not later than March  
4 15, 2007, the Secretary of the Army shall submit to  
5 the congressional defense committees a report on the  
6 modularity initiative of the Army.

7 (2) ELEMENTS.—The report required by this  
8 subsection shall include the following:

9 (A) A description of the manner in which  
10 the Army distinguishes costs under the  
11 modularity initiative from costs of moderniza-  
12 tion and reset.

13 (B) An identification, by line item, of the  
14 amount of funds expended to date on the  
15 modularity initiative.

16 (C) An identification, by line item, of the  
17 amount of funds the Army has budgeted and  
18 programmed to date on the modularity initia-  
19 tive.

20 (D) A detailed description on how  
21 modularity equipment will be allocated to the  
22 regular components and reserve components of  
23 the Armed Forces by 2011, and a description of  
24 any anticipated shortfalls in such allocation.

25 (E) A plan for further testing and evalua-  
26 tion of modular designs, and a summary of any

1           lessons learned to date from modular brigades  
2           that have been established, deployed to Iraq, or  
3           both.

4       (b) ANNUAL COMPTROLLER GENERAL REPORTS.—

5           (1) REPORTS REQUIRED.—The Comptroller  
6       General of the United States shall submit to the  
7       congressional defense committees each year, not  
8       later than 45 days after the date on which the budg-  
9       et of the President is submitted to Congress for a  
10      fiscal year under section 1105 of title 31, United  
11      States Code, a report on the assessment of the  
12      Comptroller General on the following:

13           (A) The progress of the Army in equipping  
14           and manning modular units in the regular com-  
15           ponents and reserve components of the Armed  
16           Forces.

17           (B) The use of funds by the Army for the  
18           modularity initiative.

19           (C) The progress of the Army in con-  
20           ducting further testing and evaluations of de-  
21           signs under the modularity initiative.

22           (2) FIRST REPORT.—The first report required  
23      under this subsection shall be submitted in conjunc-  
24      tion with the budget for fiscal year 2008.

1           **Subtitle C—Navy Programs**

2   **SEC. 121. CVN-21 CLASS AIRCRAFT CARRIER PROCURE-**  
3                   **MENT.**

4           (a) AVAILABILITY OF FUNDS FOR CVN-21 CLASS  
5 AIRCRAFT CARRIERS.—Amounts authorized to be appro-  
6 priated to Shipbuilding and Conversion, Navy, for pur-  
7 poses of the construction of CVN-21 class aircraft carriers  
8 shall be available in the fiscal year for which authorized  
9 to be appropriated and the succeeding three fiscal years.

10          (b) AMOUNT AUTHORIZED FROM SCN ACCOUNT FOR  
11 FISCAL YEAR 2007.—Of the amount authorized to be ap-  
12 propriated by section 102(a)(3) for fiscal year 2007 for  
13 Shipbuilding and Conversion, Navy, \$834,100,000 shall be  
14 available for advance procurement with respect to the  
15 CVN-21 class aircraft carriers designated CVN-78,  
16 CVN-79, and CVN-80.

17          (c) CONTRACT AUTHORITY.—

18               (1) ADVANCE PROCUREMENT.—The Secretary  
19 of the Navy may enter into a contract during fiscal  
20 year 2007 for advance procurement with respect to  
21 the CVN-21 class aircraft carriers designated CVN-  
22 79 and CVN-80.

23               (2) CONSTRUCTION.—In the fiscal year imme-  
24 diately following the last fiscal year of the contract  
25 for advance procurement for a CVN-21 class air-

1 aircraft carrier referred to in paragraph (1), the Sec-  
 2 retary may enter into a contract for the construction  
 3 of such aircraft carrier to be funded in the fiscal  
 4 year of such contract for construction and the suc-  
 5 ceeding three fiscal years.

6 (d) **CONDITION FOR OUT-YEAR CONTRACT PAY-**  
 7 **MENTS.**—A contract entered into under subsection (b)  
 8 shall provide that any obligation of the United States to  
 9 make a payment under the contract for any subsequent  
 10 fiscal year is subject to the availability of appropriations  
 11 for that purpose for such subsequent fiscal year.

12 **SEC. 122. CONSTRUCTION OF FIRST TWO VESSELS UNDER**  
 13 **THE NEXT-GENERATION DESTROYER PRO-**  
 14 **GRAM.**

15 (a) **AVAILABILITY OF FUNDS.**—Of the amount au-  
 16 thorized to be appropriated by section 102(a)(3) for fiscal  
 17 year 2007 for Shipbuilding and Conversion, Navy,  
 18 \$2,568,000,000 may be available for the construction of  
 19 the first two vessels under the next-generation destroyer  
 20 program.

21 (b) **CONTRACT AUTHORITY.**—

22 (1) **IN GENERAL.**—The Secretary of the Navy  
 23 may in accordance with section 2306b of title 10,  
 24 United States Code, enter into a multiyear contract  
 25 beginning with the fiscal year 2007 program year



1 for procurement of each of the first two vessels  
 2 under the next-generation destroyer program.

3 (2) LIMITATION.—Not more than one contract  
 4 described in paragraph (1) may be awarded under  
 5 that paragraph to a single surface-combatant ship-  
 6 yard.

7 (3) DURATION ON PROCUREMENT.—Each con-  
 8 tract under paragraph (1) shall contemplate funding  
 9 for the procurement of a vessel under such contract  
 10 in fiscal years 2007 and 2008.

11 (4) CONDITION ON OUT-YEAR CONTRACT PAY-  
 12 MENTS.—A contract entered into under paragraph  
 13 (1) shall provide that any obligation of the United  
 14 States to make a payment under such contract for  
 15 any fiscal year after fiscal year 2007 is subject to  
 16 the availability of appropriations for that purpose  
 17 for such fiscal year.

18 **SEC. 123. MODIFICATION OF LIMITATION ON TOTAL COST**  
 19 **OF PROCUREMENT OF CVN-77 AIRCRAFT**  
 20 **CARRIER.**

21 Section 122(f)(1) of the National Defense Authoriza-  
 22 tion Act for Fiscal Year 1998 (Public Law 105–85; 111  
 23 Stat. 1650) is amended by striking “\$4,600,000,000 (such  
 24 amount being the estimated cost for the procurement of

1 the CVN-77 aircraft carrier in the March 1997 procure-  
 2 ment plan)” and inserting “\$6,057,000,000”.

### 3 **Subtitle D—Air Force Programs**

#### 4 **SEC. 141. PROCUREMENT OF JOINT PRIMARY AIRCRAFT** 5 **TRAINING SYSTEM AIRCRAFT AFTER FISCAL** 6 **YEAR 2006.**

7 Any Joint Primary Aircraft Training System  
 8 (JPATS) aircraft procured after fiscal year 2006 shall be  
 9 procured through a contract under part 15 of the Federal  
 10 Acquisition Regulation (FAR), relating to acquisition of  
 11 items by negotiated contract (48 C.F.R. 15.000 et seq.),  
 12 rather than through a contract under part 12 of the Fed-  
 13 eral Acquisition Regulation, relating to acquisition of com-  
 14 mercial items (48 C.F.R. 12.000 et seq.).

#### 15 **SEC. 142. PROHIBITION ON RETIREMENT OF C-130E/H TAC-** 16 **TICAL AIRLIFT AIRCRAFT.**

17 The Secretary of the Air Force shall not retire any  
 18 C-130E/H tactical airlift aircraft of the Air Force in fiscal  
 19 year 2007.

#### 20 **SEC. 143. LIMITATION ON RETIREMENT OF KC-135E AIR-** 21 **CRAFT.**

22 The Secretary of the Air Force shall ensure that the  
 23 number, if any, of KC-135E aircraft of the Air Force that  
 24 is retired in fiscal year 2007 does not exceed 29 such air-  
 25 craft.

1 **SEC. 144. LIMITATION ON RETIREMENT OF B-52H BOMBER**  
2 **AIRCRAFT.**

3 The Secretary of the Air Force shall ensure that the  
4 number, if any, of B-52H bomber aircraft of the Air  
5 Force that is retired in fiscal year 2007 does not exceed  
6 18 such aircraft.

7 **SEC. 145. RETIREMENT OF B-52H BOMBER AIRCRAFT.**

8 (a) **LIMITATION ON RETIREMENT PENDING REPORT**  
9 **ON BOMBER FORCE STRUCTURE.**—No funds authorized  
10 to be appropriated for the Department of Defense may  
11 be obligated or expended for retiring or dismantling any  
12 of the 93 B-52H bomber aircraft in service in the Air  
13 Force as of June 1, 2006, until 30 days after the Sec-  
14 retary of the Air Force transmits to the Committees on  
15 Armed Services of the Senate and the House of Represent-  
16 atives a report on the bomber force structure of the Air  
17 Force meeting the requirements of subsection (b).

18 (b) **ELEMENTS.**—

19 (1) **IN GENERAL.**—A report under subsection

20 (a) shall set forth the following:

21 (A) The plan of the Air Force for the mod-  
22 ernization of the B-52H bomber aircraft fleet.

23 (B) The plans of the Air Force for the  
24 modernization of the balance of the bomber  
25 force structure.

1 (C) The amount and type of bombers in  
2 the bomber force structure that is appropriate  
3 to meet the requirements of the national secu-  
4 rity strategy of the United States.

5 (D) A justification of the cost and pro-  
6 jected savings of any reductions to the B-52H  
7 bomber aircraft fleet as a result of the retire-  
8 ment or dismantlement of the B-52H bomber  
9 aircraft covered by the report.

10 (E) The life expectancy of each bomber  
11 aircraft to remain in the bomber force struc-  
12 ture.

13 (F) The date by which any new bomber  
14 aircraft must reach initial operational capability  
15 and the capabilities of the bomber force struc-  
16 ture that would be replaced or superseded by  
17 any new bomber aircraft.

18 (2) AMOUNT AND TYPE OF BOMBER FORCE  
19 STRUCTURE DEFINED.—In this subsection, the term  
20 “amount and type of bomber force structure” means  
21 the number of B-2 bomber aircraft, B-52H bomber  
22 aircraft, and B-1 bomber aircraft that are required  
23 to carry out the national security strategy of the  
24 United States.

1 (c) PREPARATION OF REPORT.—A report under this  
 2 section shall be prepared and submitted by the Institute  
 3 of Defense Analysis to the Secretary of the Air Force for  
 4 transmittal by the Secretary in accordance with subsection  
 5 (a).

6 **SEC. 146. PROHIBITION ON INCREMENTAL FUNDING AND**  
 7 **MULTIYEAR PROCUREMENT OF F-22A AIR-**  
 8 **CRAFT.**

9 (a) PROHIBITION ON USE OF INCREMENTAL FUND-  
 10 ING.—The Secretary of the Air Force shall not use incre-  
 11 mental funding for the procurement of F-22A aircraft.

12 (b) PROHIBITION ON MULTIYEAR CONTRACT.—The  
 13 Secretary of the Air Force shall not enter into a multiyear  
 14 contract for the procurement of F-22A aircraft in fiscal  
 15 year 2007.

16 **TITLE II—RESEARCH, DEVELOP-**  
 17 **MENT, TEST, AND EVALUA-**  
 18 **TION**

19 **Subtitle A—Authorization of**  
 20 **Appropriations**

21 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

22 Funds are hereby authorized to be appropriated for  
 23 fiscal year 2007 for the use of the Department of Defense  
 24 for research, development, test, and evaluation as follows:

25 (1) For the Army, \$11,151,009,000.

1 (2) For the Navy, \$17,451,823,000.

2 (3) For the Air Force, \$24,400,857,000.

3 (4) For Defense-wide activities,  
4 \$21,160,459,000, of which \$181,520,000 is author-  
5 ized for the Director of Operational Test and Eval-  
6 uation.

7 **SEC. 202. AMOUNT FOR SCIENCE AND TECHNOLOGY.**

8 (a) AMOUNT FOR PROJECTS.—Of the total amount  
9 authorized to be appropriated by section 201,  
10 \$11,468,959,000 shall be available for science and tech-  
11 nology projects.

12 (b) SCIENCE AND TECHNOLOGY DEFINED.—In this  
13 section, the term “science and technology project” means  
14 work funded in program elements for defense research, de-  
15 velopment, test, and evaluation under Department of De-  
16 fense budget activities 1, 2, or 3.

17 **Subtitle B—Program Require-**  
18 **ments, Restrictions, and Limita-**  
19 **tions**

20 **SEC. 211. INDEPENDENT ESTIMATE OF COSTS OF THE FU-**  
21 **TURE COMBAT SYSTEMS.**

22 (a) LIMITATION ON AVAILABILITY OF FUNDS FOR  
23 CERTAIN ACTIVITIES.—Of the amount authorized to be  
24 appropriated by this title and available for the Future  
25 Combat Systems (FCS) for purposes of system of systems

1 engineering and program management for the Future  
2 Combat Systems, an amount equal to \$500,000,000 of  
3 such amount may not be obligated and expended for such  
4 purposes until the Secretary of Defense submits to the  
5 congressional defense committees the report required by  
6 subsection (b)(4).

7 (b) INDEPENDENT ESTIMATE REQUIRED.—

8 (1) IN GENERAL.—The Secretary of Defense  
9 shall provide for the preparation of an independent  
10 estimate of the anticipated costs of systems develop-  
11 ment and demonstration with respect to the Future  
12 Combat Systems.

13 (2) CONDUCT OF ESTIMATE.—The estimate re-  
14 quired by this subsection shall be prepared by a fed-  
15 erally funded research and development center se-  
16 lected by the Secretary for purposes of this sub-  
17 section.

18 (3) MATTERS TO BE ADDRESSED.—The inde-  
19 pendent estimate prepared under this subsection  
20 shall address costs of research, development, test,  
21 and evaluation, and costs of procurement, for—

22 (A) the system development and dem-  
23 onstration phase of the core Future Combat  
24 Systems;

1 (B) the Future Combat Systems tech-  
2 nologies to be incorporated into the equipment  
3 of the current force of the Army (often referred  
4 to as “spinouts”);

5 (C) the installation kits for the incorpora-  
6 tion of such technologies into such equipment;

7 (D) the systems treated as complementary  
8 systems for the Future Combat Systems;

9 (E) science and technology initiatives that  
10 support the Future Combat Systems program;  
11 and

12 (F) any pass-through charges anticipated  
13 to be assessed by the lead systems integrator of  
14 the Future Combat Systems and its major sub-  
15 contractors.

16 (4) SUBMITTAL TO CONGRESS.—Upon comple-  
17 tion of the independent estimate required by this  
18 subsection, the Secretary shall submit to the con-  
19 gressional defense committees a report on the esti-  
20 mate.

21 (5) DEADLINE FOR SUBMITTAL.—The report  
22 described in paragraph (4) shall be submitted not  
23 later than the date of the submittal to Congress of  
24 the budget of the President for fiscal year 2008 (as



1 submitted to Congress under section 1105(a) of title  
2 31, United States Code).

3 (c) PASS-THROUGH CHARGE DEFINED.—In this sec-  
4 tion, the term “pass-through charge” has the meaning  
5 given that term in section 805(c)(5) of the National De-  
6 fense Authorization Act for Fiscal Year 2006 (Public Law  
7 109–163; 119 Stat. 3373).

8 **SEC. 212. FUNDING OF DEFENSE SCIENCE AND TECH-**  
9 **NOLOGY PROGRAMS.**

10 (a) EXTENSION OF FUNDING OBJECTIVE.—Sub-  
11 section (b) of section 212 of the National Defense Author-  
12 ization Act for Fiscal Year 2000 (10 U.S.C. 2501 note)  
13 is amended by striking “through 2009” and inserting  
14 “through 2012”.

15 (b) ACTIONS FOLLOWING FAILURE TO COMPLY  
16 WITH OBJECTIVE.—Such section is further amended by  
17 adding at the end the following new subsection:

18 “(c) ACTIONS FOLLOWING FAILURE TO COMPLY  
19 WITH OBJECTIVE.—(1) If the proposed budget for a fiscal  
20 year covered by subsection (b) fails to comply with the  
21 objective set forth in that subsection, the Secretary of De-  
22 fense shall submit to the congressional defense commit-  
23 tees—

24 “(A) a detailed, prioritized list, including esti-  
25 mates of required funding, of highly-rated, peer-re-

1 viewed science and technology projects received by  
2 the Department through competitive solicitations  
3 and broad agency announcements which—

4 “(i) are not funded solely due to lack of re-  
5 sources, but

6 “(ii) represent science and technology op-  
7 portunities that support the research and devel-  
8 opment programs and goals of the military de-  
9 partments and the Defense Agencies; and

10 “(B) a report, in both classified and unclassi-  
11 fied form, containing an analysis and evaluation of  
12 international research and technology capabilities,  
13 including an identification of any technology areas in  
14 which the United States will not have global tech-  
15 nical leadership within the next five years, in each  
16 of the technology areas described in the following  
17 plans:

18 “(i) The most current Joint Warfighting  
19 Science and Technology Plan required by sec-  
20 tion 270 of the National Defense Authorization  
21 Act for Fiscal Year 1997 (10 U.S.C. 2501  
22 note).

23 “(ii) The Defense Technology Area Plan of  
24 the Department of Defense.

1                   “(iii) The Basic Research Plan of the De-  
2                   partment of Defense.

3           “(2)(A) The list required by paragraph (1)(A) for a  
4   fiscal year in which the budget for such fiscal year fails  
5   to comply with the objective in subsection (b) shall be sub-  
6   mitted together with the Department of Defense budget  
7   justification materials submitted to Congress under sec-  
8   tion 1105 of title 31, United States Code, with the budget  
9   for the next fiscal year.

10          “(B) The report required by paragraph (1)(B) for a  
11   fiscal year in which the budget for such fiscal year fails  
12   to comply with the objective in subsection (b) shall be sub-  
13   mitted not later than the six months after the submittal  
14   of the Department of Defense budget justification mate-  
15   rials that are submitted to Congress under section 1105  
16   of title 31, United States Code, with the budget for the  
17   next fiscal year.”.

18   **SEC. 213. HYPERSONICS DEVELOPMENT.**

19          (a) ESTABLISHMENT OF JOINT TECHNOLOGY OF-  
20   FICE ON HYPERSONICS.—The Secretary of Defense shall  
21   establish within the Office of the Secretary of Defense a  
22   joint technology office on hypersonics. The office shall  
23   carry out the program required under subsection (b), and  
24   shall have such other responsibilities relating to  
25   hypersonics as the Secretary shall specify.

1 (b) PROGRAM ON HYPERSONICS.—The joint tech-  
2 nology office established under subsection (a) shall carry  
3 out a program for the development of hypersonics for de-  
4 fense purposes.

5 (c) RESPONSIBILITIES.—In carrying out the program  
6 required by subsection (b), the joint technology office es-  
7 tablished under subsection (a) shall do the following:

8 (1) Coordinate and integrate the research, de-  
9 velopment, test, and evaluation programs and sys-  
10 tem demonstration programs of the Department of  
11 Defense on hypersonics.

12 (2) Undertake appropriate actions to ensure—

13 (A) close and continuous integration of the  
14 programs on hypersonics of the military depart-  
15 ments with the programs on hypersonics of the  
16 Defense Agencies; and

17 (B) coordination of the programs referred  
18 to in subparagraph (A) with the programs on  
19 hypersonics of the National Aeronautics and  
20 Space Administration.

21 (3) Approve demonstration programs on  
22 hypersonic systems.

23 (4) Ensure that any demonstration program on  
24 hypersonic systems that is carried out in any year  
25 after its approval under paragraph (3) is carried out

1       only if certified under subsection (e) as being con-  
2       sistent with the roadmap under subsection (d).

3       (d) ROADMAP.—

4           (1) ROADMAP REQUIRED.—The joint technology  
5       office established under subsection (a) shall, in co-  
6       ordination with the Joint Staff and the National  
7       Aeronautics and Space Administration, develop a  
8       roadmap for the hypersonics programs of the De-  
9       partment of Defense.

10          (2) ELEMENTS.—The roadmap shall include  
11       the following matters:

12           (A) Short-term, mid-term, and long-term  
13       goals for the Department of Defense on  
14       hypersonics which shall be consistent with the  
15       missions and anticipated requirements of the  
16       Department over the applicable period.

17           (B) Acquisition transition plans for  
18       hypersonics.

19           (C) Anticipated mission requirements for  
20       hypersonics.

21           (D) A schedule for meeting such goals, in-  
22       cluding the activities and funding anticipated to  
23       be required for meeting such goals.

24          (3) SUBMITTAL TO CONGRESS.—The Secretary  
25       shall submit the roadmap to the congressional de-

1       fense committees at the same time as the submittal  
2       to Congress of the budget for fiscal year 2008 (as  
3       submitted pursuant to section 1105 of title 31,  
4       United States Code).

5       (e) ANNUAL REVIEW AND CERTIFICATION OF FUND-  
6       ING.—

7               (1) ANNUAL REVIEW.—The joint technology of-  
8       fice established under subsection (a) shall conduct  
9       on an annual basis a review of the funding available  
10      for research, development, test, and evaluation and  
11      demonstration programs of the Department of De-  
12      fense on hypersonics in order to determine whether  
13      or not such funding and programs are consistent  
14      with the roadmap developed under subsection (d).

15             (2) CERTIFICATION.—The joint technology of-  
16      fice shall, as a result of each review under para-  
17      graph (1), certify to the Secretary whether or not  
18      the funding and programs subject to such review are  
19      consistent with the roadmap developed under sub-  
20      section (d).

21             (3) TERMINATION.—The requirements of this  
22      subsection shall terminate after the submittal to  
23      Congress of the budget for fiscal year 2012 pursu-  
24      ant to section 1105 of title 31, United States Code.

1 (f) REPORTS TO CONGRESS.—If, as a result of a re-  
 2 view under subsection (e), funding or a program on  
 3 hypersonics is certified under that subsection not to be  
 4 consistent with the roadmap developed under subsection  
 5 (d), the Secretary shall submit to Congress a report on  
 6 such funding or program, as the case may be, together  
 7 with a statement of the actions to be taken to make such  
 8 funding or program, as the case may be, consistent with  
 9 the roadmap.

10 (g) HYPERSONICS DEFINED.—In this section, the  
 11 term “hypersonics” means aircraft and missiles capable  
 12 of travelling at speeds in excess of Mach 5.

13 **SEC. 214. TRIDENT SEA-LAUNCHED BALLISTIC MISSILES.**

14 (a) LIMITATION ON AVAILABILITY OF FUNDS.—

15 (1) IN GENERAL.—Except as provided in para-  
 16 graph (2), none of the funds authorized to be appro-  
 17 priated by this Act for the Conventional Trident  
 18 Modification (CTM) program may be obligated or  
 19 expended for the development or modification of the  
 20 Trident D–5 sea-launched ballistic missile until 30  
 21 days after the date on which the report required by  
 22 subsection (b) is submitted to the congressional de-  
 23 fense committees.

24 (2) EXCEPTION.—Paragraph (1) shall not  
 25 apply with respect to amounts authorized to be ap-

1       appropriated by section 201(2) for research, develop-  
2       ment, test, and evaluation, Navy, and available for  
3       Advanced Conventional Strike Capability (PE  
4       #64327N) in an amount not to exceed \$32,000,000.

5       (b) REPORT.—

6           (1) REPORT REQUIRED.—The Secretary of De-  
7       fense shall, in consultation with the Secretary of  
8       State, submit to the congressional defense commit-  
9       tees a report setting forth a proposal to replace nu-  
10      clear warheads on twenty-four Trident D-5 sea-  
11      launched ballistic missiles with conventional kinetic  
12      warheads for deployment on submarines that carry  
13      Trident sea-launched ballistic missiles.

14          (2) ELEMENTS.—The report required by para-  
15      graph (1) shall include the following:

16           (A) A description of the types of scenarios,  
17      types of targets, and circumstances in which a  
18      conventional sea-launched ballistic missile would  
19      be used.

20           (B) A discussion of the weapon systems or  
21      weapons, whether current or planned, that  
22      could be used as an alternative for each of the  
23      scenarios, target types, and circumstances set  
24      forth under subparagraph (A), and a statement  
25      of any reason why each is not a suitable alter-



1 native to a conventional sea-launched ballistic  
2 missile.

3 (C) A description of the command and con-  
4 trol arrangements for conventional sea-launched  
5 ballistic missiles, including launch authority and  
6 the use of Permissive Action Links (PALs).

7 (D) An assessment of the capabilities of  
8 other countries to detect and track the launch  
9 of a conventional or nuclear sea-launched bal-  
10 listic missile.

11 (E) An assessment of the capabilities of  
12 other countries to discriminate between the  
13 launch of a nuclear sea-launched ballistic mis-  
14 sile and a conventional sea-launched ballistic  
15 missile, other than in a testing scenario.

16 (F) An assessment of the notification and  
17 other protocols that would have to be in place  
18 prior to using any conventional sea-launched  
19 ballistic missile and a plan for entering into  
20 such protocols.

21 (G) An assessment of the adequacy of the  
22 intelligence that would be needed to support an  
23 attack involving conventional sea-launched bal-  
24 listic missiles.

1           (H) A description of the total program  
2 cost, including the procurement costs of addi-  
3 tional D-5 missiles, of the conventional Trident  
4 sea-launched ballistic missile program, by fiscal  
5 year.

6           (I) An analysis and assessment of the im-  
7 plications for ballistic missile proliferation if the  
8 United States decides to go forward with the  
9 conventional Trident sea-launched ballistic mis-  
10 sile program or any other conventional long  
11 range ballistic missile program.

12           (J) An analysis and assessment of the im-  
13 plications for the United States missile defense  
14 system if other countries utilize long range con-  
15 ventional ballistic missiles.

16           (K) An analysis of any problems created  
17 by the ambiguity that results from the use of  
18 the same ballistic missile for both conventional  
19 and nuclear warheads.

20           (L) An analysis and assessment of the  
21 methods that other countries might use to re-  
22 solve the ambiguities associated with a nuclear  
23 or conventional sea-launched ballistic missile.

24           (M) An analysis, by the Secretary of State,  
25 of the international, treaty, and other concerns

that would be associated with the use of a conventional sea-launched ballistic missile and recommendations for measures to mitigate or eliminate such concerns.

(N) A joint statement by the Secretary of Defense and the Secretary of State on how to ensure that the use of a conventional sea-launched ballistic missile will not result in an intentional, inadvertent, mistaken, or accidental reciprocal or responsive launch of a nuclear strike by any other country.

(c) AVAILABILITY OF FUNDS FOR REPORT.—Of the amounts authorized to be appropriated by this Act (other than the amounts covered by the limitation in subsection (a)), \$20,000,000 may be available to prepare the report required by subsection (b).

## **Subtitle C—Missile Defense Programs**

**SEC. 231. AVAILABILITY OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS FOR FIELDING BALLISTIC MISSILE DEFENSE CAPABILITIES.**

Upon approval by the Secretary of Defense, funds authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, develop-

1 ment, test, and evaluation and available for the Missile  
2 Defense Agency may be used for the development and  
3 fielding of ballistic missile defense capabilities.

4 **SEC. 232. POLICY OF THE UNITED STATES ON PRIORITIES**  
5 **IN THE DEVELOPMENT, TESTING, AND FIELD-**  
6 **ING OF MISSILE DEFENSE CAPABILITIES.**

7 (a) FINDINGS.—Congress makes the following find-  
8 ings:

9 (1) In response to the threat posed by ballistic  
10 missiles, President George W. Bush in December  
11 2002 directed the Secretary of Defense to proceed  
12 with the fielding of an initial set of missile defense  
13 capabilities in 2004 and 2005.

14 (2) According to assessments by the intelligence  
15 community of the United States, North Korea tested  
16 in 2005 a new solid propellant short-range ballistic  
17 missile and is likely developing intermediate-range  
18 and intercontinental ballistic missile capabilities that  
19 could someday reach as far as the United States  
20 with a nuclear payload.

21 (3) According to assessments by the intelligence  
22 community of the United States, Iran continued in  
23 2005 to test its medium range ballistic missile, and  
24 the danger that Iran will acquire a nuclear weapon

1       and integrate it with a ballistic missile Iran already  
2       possesses is a reason for immediate concern.

3       (b) POLICY.—It is the policy of the United States  
4       that the Department of Defense accord a priority within  
5       the missile defense program to the development, testing,  
6       fielding, and improvement of effective near-term missile  
7       defense capabilities, including the ground-based midcourse  
8       defense system, the Aegis ballistic missile defense system,  
9       the Patriot PAC-3 system, the Terminal High Altitude  
10      Area Defense system, and the sensors necessary to sup-  
11      port such systems.

12      **SEC. 233. ONE-YEAR EXTENSION OF COMPTROLLER GEN-**  
13                                   **ERAL ASSESSMENTS OF BALLISTIC MISSILE**  
14                                   **DEFENSE PROGRAMS.**

15      Section 232(g) of the National Defense Authorization  
16      Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amend-  
17      ed—

18                   (1) in paragraph (1), by striking “through  
19                   2007” and inserting “through 2008”; and

20                   (2) in paragraph (2), by striking “through  
21                   2008” and inserting “through 2009”.

1 **SEC. 234. SUBMITTAL OF PLANS FOR TEST AND EVALUA-**  
 2 **TION OF THE OPERATIONAL CAPABILITY OF**  
 3 **THE BALLISTIC MISSILE DEFENSE SYSTEM.**

4 Section 234(a) of the National Defense Act for Fiscal  
 5 Year 2006 (Public Law 109–163; 119 Stat. 3174; 10  
 6 U.S.C. 2431 note) is amended by adding at the end the  
 7 following new paragraph:

8 “(3) SUBMITTAL TO CONGRESS.—Each plan  
 9 prepared under this subsection and approved by the  
 10 Director of Operational Test and Evaluation shall be  
 11 submitted to the congressional defense committees  
 12 not later than 30 days after the date of the approval  
 13 of such plan by the Director.”.

14 **SEC. 235. ANNUAL REPORTS ON TRANSITION OF BALLISTIC**  
 15 **MISSILE DEFENSE PROGRAMS TO THE MILI-**  
 16 **TARY DEPARTMENTS.**

17 (a) REPORT REQUIRED.—Not later than March 1,  
 18 2007, and annually thereafter through 2013, the Under  
 19 Secretary of Defense for Acquisition, Technology, and Lo-  
 20 gistics shall submit to the congressional defense commit-  
 21 tees a report on the plans of the Department of Defense  
 22 for the transition of missile defense programs from the  
 23 Missile Defense Agency to the military departments.

24 (b) SCOPE OF REPORTS.—Each report required by  
 25 subsection (a) shall cover the period covered by the future-  
 26 years defense program that is submitted under section 221

1 of title 10, United States Code, in the year in which such  
2 report is submitted.

3 (c) ELEMENTS.—Each report required by subsection  
4 (a) shall include the following:

5 (1) An identification of—

6 (A) the missile defense programs planned  
7 to be transitioned from the Missile Defense  
8 Agency to the military departments; and

9 (B) the missile defense programs, if any,  
10 not planned for transition to the military de-  
11 partments.

12 (2) The schedule for transition of each missile  
13 defense program planned to be transitioned to a  
14 military department, and an explanation of such  
15 schedule.

16 (3) A description of the status of the plans and  
17 agreements of the Missile Defense Agency and the  
18 military departments on the transition of missile de-  
19 fense programs to the military departments.

20 (4) An identification of the entity (whether the  
21 Missile Defense Agency, a military department, or  
22 both) that will be responsible for funding each mis-  
23 sile defense program to be transitioned to a military  
24 department, and at what date.

1           (5) A description of the type of funds that will  
 2       be used (whether funds for research, development,  
 3       test, and evaluation, procurement, military construc-  
 4       tion, or operation and maintenance) for each missile  
 5       defense program to be transitioned to a military de-  
 6       partment.

7           (6) An explanation of the number of systems  
 8       planned for procurement for each missile defense  
 9       program to be transitioned to a military department,  
 10      and the schedule for procurement of each such sys-  
 11      tem.

## 12           **Subtitle D—Other Matters**

### 13   **SEC. 251. EXTENSION OF REQUIREMENT FOR GLOBAL RE-** 14           **SEARCH WATCH PROGRAM.**

15       Section 2365(f) of title 10, United States Code, is  
 16   amended by striking “September 30, 2006” and inserting  
 17   “September 30, 2011”.

### 18   **SEC. 252. EXPANSION AND EXTENSION OF AUTHORITY TO** 19           **AWARD PRIZES FOR ADVANCED TECH-** 20           **NOLOGY ACHIEVEMENTS.**

21       (a) EXPANSION.—

22           (1) IN GENERAL.—Subsection (a) of section  
 23       2374a of title 10, United States Code, is amended—

24           (A) by striking “Director of the Defense  
 25       Advanced Research Projects Agency” and in-



1           serting “Director of Defense Research and En-  
 2           gineering and the Service Acquisition Execu-  
 3           tives of the military departments”; and

4                   (B) by striking “a program” and inserting  
 5           “programs”.

6           (2) CONFORMING AMENDMENTS.—(A) Sub-  
 7           section (b) of such section is amended by striking  
 8           “The program” and inserting “Any program”.

9                   (B) Subsection (d) of such section is amend-  
 10          ed—

11                   (i) by striking “The program” and insert-  
 12           ing “A program”; and

13                   (ii) by striking “the Director” and insert-  
 14           ing “an official referred to in that subsection”.

15          (b) EXTENSION.—Subsection (f) of such section is  
 16          amended by striking “September 30, 2007” and inserting  
 17          “September 30, 2011”.

18          (c) MODIFICATION OF REPORTING REQUIREMENT.—  
 19          Subsection (e) of such section is amended to read as fol-  
 20          lows:

21           “(e) ANNUAL REPORT.—(l) Not later than March 1  
 22          each year, the Secretary shall submit to the Committees  
 23          on Armed Services of the Senate and the House of Rep-  
 24          resentatives a report on the activities undertaken during

1 the preceding fiscal year under the authority in subsection  
2 (a).

3 “(2) The report for a fiscal year under this subsection  
4 shall include the following:

5 “(A) A description of the proposed goals of the  
6 competitions established under each program under  
7 subsection (a), including the areas of research, tech-  
8 nology development, or prototype development to be  
9 promoted by such competitions and the relationship  
10 of such areas to the military missions of the Depart-  
11 ment of Defense.

12 “(B) An analyses of why the utilization of the  
13 authority in subsection (a) was the preferable meth-  
14 od of achieving the goals described in subparagraph  
15 (A) as opposed to other authorities available to the  
16 Department, such as contracts, grants, and coopera-  
17 tive agreements.

18 “(C) The total amount of cash prizes awarded  
19 under each program, including a description of the  
20 manner in which the amounts of cash prizes award-  
21 ed and claimed were allocated among the accounts  
22 of the Department for recording as obligations and  
23 expenditures.

24 “(D) The methods used for the solicitation and  
25 evaluation of submissions under each program, to-

gether with an assessment of the effectiveness of such methods.

“(E) A description of the resources, including personnel and funding, used in the execution of each program, together with a detailed description of the activities for which such resources were used and an accounting of how funding for execution was allocated among the accounts of the Department for recording as obligations and expenditures.

“(F) A description of any plans to transition the technologies or prototypes developed as a result of each program into an acquisition program of the Department.”.

**SEC. 253. POLICIES AND PRACTICES ON TEST AND EVALUATION TO ADDRESS EMERGING ACQUISITION APPROACHES.**

(a) REVIEW AND REVISION OF POLICIES AND PRACTICES.—

(1) REVIEW.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall review Department of Defense policies and practices on test and evaluation in light of emerging approaches to acquisitions.

(2) REVISED GUIDANCE.—If the Under Secretary determines as a result of the review under

1 paragraph (1) that a revision of the policies and  
 2 practices referred to in that paragraph is necessary  
 3 in light of emerging approaches to acquisitions, the  
 4 Under Secretary shall issue new or revised guidance  
 5 for the Department of Defense on test and evalua-  
 6 tion to address that determination.

7 (3) COORDINATION.—The Under Secretary  
 8 shall carry out this subsection in coordination with  
 9 the Director of Operational Test and Evaluation and  
 10 the Director of the Defense Test Resource Manage-  
 11 ment Center.

12 (b) ISSUES TO BE ADDRESSED.—In carrying out  
 13 subsection (a), the Under Secretary shall address policies  
 14 and practices on test and evaluation in order to—

15 (1) ensure the performance of test and evalua-  
 16 tion activities with regard to—

17 (A) items that are acquired pursuant to  
 18 the authority for rapid acquisition and deploy-  
 19 ment of items in section 806 of the Bob Stump  
 20 National Defense Authorization Act for Fiscal  
 21 Year 2003 (10 U.S.C. 2302 note);

22 (B) programs that are conducted pursuant  
 23 to the authority for spiral development in sec-  
 24 tion 803 of the Bob Stump National Defense  
 25 Authorization Act for Fiscal Year 2003 (Public

1 Law 107–314; 116 Stat. 2603; 10 U.S.C. 2430  
2 note), or other authority for the conduct of in-  
3 cremental acquisition programs;

4 (C) systems that are acquired pursuant to  
5 time-certain development programs; and

6 (D) equipment that is not subject to the  
7 operational test and evaluation requirements in  
8 section 2399 of title 10, United States Code,  
9 but which may require limited operational test  
10 and evaluation for the purpose of ensuring the  
11 safety and survivability of such equipment and  
12 personnel using such equipment; and

13 (2) ensure the appropriate use, if any, of oper-  
14 ational test and evaluation resources to assess tech-  
15 nology readiness levels for the purpose of section  
16 2366a of title 10, United States Code, and other ap-  
17 plicable technology readiness requirements.

18 (c) FUNDING MATTERS.—The Director of the De-  
19 fense Test Resource Management Center shall ensure that  
20 the strategic plan for Department of Defense test and  
21 evaluation resources developed pursuant to section 196 of  
22 title 10, United States Code—

23 (1) reflects any testing needs of the Depart-  
24 ment of Defense that are identified as a result of ac-  
25 tivities under subsection (a); and

(e) TIME-CERTAIN DEVELOPMENT PROGRAM DEFINED.—In this section, the term “time-certain development program” means a development program that is assigned a specific length of time in which milestone events will be accomplished by contract.

(a) IN GENERAL.—The Secretary of Defense shall provide for the development of the propulsion system for the F-35 fighter aircraft (commonly referred to as the “Joint Strike Fighter”) by a means elected by the Secretary from among the following:

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1        tems for the F-35 fighter aircraft by two separate  
 2        contractors throughout the life cycle of the aircraft.

3            (2) Through a one-time firm fixed price con-  
 4        tract for a selected propulsion system for the F-35  
 5        fighter aircraft for the life cycle of the aircraft fol-  
 6        lowing the Initial Service Release of the F-35 fight-  
 7        er aircraft propulsion system in fiscal year 2008.

8        (b) NOTICE OF CHANGE IN DEVELOPMENT.—The  
 9        Secretary may not carry out any modification of the pro-  
 10      curement program for the F-35 fighter aircraft that  
 11      would result in the development of the propulsion system  
 12      for such aircraft in a manner other than as elected by  
 13      the Secretary under subsection (a) until the Secretary no-  
 14      tifies the congressional defense committees of such modi-  
 15      fication.

16    **SEC. 255. INDEPENDENT COST ANALYSES FOR JOINT**  
 17                                    **STRIKE FIGHTER ENGINE PROGRAM.**

18            (a) COST ANALYSES.—

19            (1) ANALYSES REQUIRED.—The Secretary of  
 20      Defense (acting through the cost analysis improve-  
 21      ment group of the Office of the Secretary of De-  
 22      fense), a federally funded research and development  
 23      center (FFRDC) selected by the Secretary for pur-  
 24      poses of this section, and the Comptroller General of  
 25      the United States shall each perform three detailed

1 and comprehensive cost analyses of the engine pro-  
2 gram for the F-35 fighter aircraft (commonly re-  
3 ferred to as the “Joint Strike Fighter”).

4 (2) ELEMENTS.—Each official or entity per-  
5 forming cost analyses under paragraph (1) shall per-  
6 form a cost analysis of each of the following:

7 (A) An alternative under which the F-35  
8 fighter aircraft is capable of using the F135 en-  
9 gine only.

10 (B) An alternative under which the F-35  
11 fighter aircraft is capable of using either the  
12 F135 engine or the F136 engine.

13 (C) Any other alternative, whether secured  
14 through a competitive or sole-source bidding  
15 process, that would reduce cost, improve pro-  
16 gram schedule, and improve performance and  
17 reliability of the F-35 fighter aircraft program.

18 (b) REPORTS.—

19 (1) REPORTS REQUIRED.—Not later than  
20 March 15, 2007, the Secretary, the federally funded  
21 research and development center selected under sub-  
22 section (a), and the Comptroller General shall each  
23 submit to the congressional defense committees a re-  
24 port on the three independent cost analyses per-



1       formed by such official or entity under subsection  
2       (a).

3               (2) REPORT ELEMENTS.—Each report under  
4       paragraph (1) shall include the following:

5               (A) A statement of the key assumptions  
6       utilized in performing each cost analysis cov-  
7       ered by such report.

8               (B) A discussion of the methodology and  
9       techniques utilized in performing each cost  
10      analysis.

11              (C) For each alternative under subsection  
12      (a)(2)—

13                      (i) a comparison of the life-cycle costs,  
14                      including costs in current and constant  
15                      dollars and a net-present-value analysis,  
16                      with the other alternatives under that sub-  
17                      section; and

18                      (ii) an estimate of—

19                              (I) the supply, maintenance, and  
20                              other operations manpower required  
21                              to support such alternative;

22                              (II) the number of flight hours  
23                              required to achieve engine maturity,  
24                              and the year in which engine maturity  
25                              is anticipated to be achieved; and

1 (III) the total number of engines  
2 anticipated to be procured over the  
3 lifetime of the F-35 fighter aircraft  
4 program.

5 (D) A discussion of the acquisition strate-  
6 gies used for the acquisition of engines for  
7 other tactical fighter aircraft, including the F-  
8 15, F-16, F-18, and F-22 fighter aircraft, and  
9 an assessment of the experience in terms of  
10 cost, schedule, and performance under the ac-  
11 quisition programs for such engines.

12 (E) A comparison in terms of performance,  
13 savings, maintainability, reliability, and tech-  
14 nical innovation of the acquisition programs for  
15 engines for tactical fighter aircraft carried out  
16 on a sole-source basis with the acquisition pro-  
17 grams for tactical fighter aircraft carried out on  
18 a competitive basis.

19 (F) Such conclusions and recommenda-  
20 tions in light of the cost analyses as the official  
21 or entity submitting such report considers ap-  
22 propriate.

23 (3) CERTIFICATION OF FFRDC AND COMP-  
24 TROLLER GENERAL.—In submitting the report re-  
25 quired by this subsection, the federally funded re-

1 search and development center and the Comptroller  
 2 General shall each also submit a certification as to  
 3 whether the federally funded research and develop-  
 4 ment center or the Comptroller General, as the case  
 5 may be, had access to sufficient information to en-  
 6 able the federally funded research and development  
 7 center or the Comptroller General, as the case may  
 8 be, to make informed judgments on the matters re-  
 9 quired to be included in the report.

10 (c) LIFE-CYCLE COSTS DEFINED.—In this section,  
 11 the term “life-cycle costs” includes—

12 (1) the elements of costs that would be consid-  
 13 ered for a life-cycle cost analysis for a major defense  
 14 acquisition program, such as procurement of en-  
 15 gines, procurement of spare engines, and procure-  
 16 ment of engine components and parts; and

17 (2) good-faith estimates of routine engine costs,  
 18 such as performance upgrades and component im-  
 19 provement, that historically have occurred in tactical  
 20 fighter engine programs.

21 **SEC. 256. SENSE OF SENATE ON TECHNOLOGY SHARING OF**  
 22 **JOINT STRIKE FIGHTER TECHNOLOGY.**

23 It is the sense of the Senate that the Secretary of  
 24 Defense should share technology with regard to the Joint  
 25 Strike Fighter between the United States Government and

1 the Government of the United Kingdom consistent with  
2 the national security interests of both nations.

3 **TITLE III—OPERATION AND**  
4 **MAINTENANCE**  
5 **Subtitle A—Authorization of**  
6 **Appropriations**

7 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

8 Funds are hereby authorized to be appropriated for  
9 fiscal year 2007 for the use of the Armed Forces and other  
10 activities and agencies of the Department of Defense for  
11 expenses, not otherwise provided for, for operation and  
12 maintenance, in amounts as follows:

13 (1) For the Army, \$24,795,580,000.

14 (2) For the Navy, \$31,130,784,000.

15 (3) For the Marine Corps, \$3,905,262,000.

16 (4) For the Air Force, \$31,251,107,000.

17 (5) For Defense-wide activities,  
18 \$20,106,756,000.

19 (6) For the Army Reserve, \$2,139,702,000.

20 (7) For the Naval Reserve, \$1,288,764,000.

21 (8) For the Marine Corps Reserve,  
22 \$211,911,000.

23 (9) For the Air Force Reserve, \$2,575,100,000.

24 (10) For the Army National Guard,  
25 \$4,857,728,000.

1           (11) For the Air National Guard,  
2       \$5,318,717,000.

3           (12) For the United States Court of Appeals  
4       for the Armed Forces, \$11,721,000.

5           (13) For Environmental Restoration, Army,  
6       \$463,794,000.

7           (14) For Environmental Restoration, Navy,  
8       \$304,409,000.

9           (15) For Environmental Restoration, Air Force,  
10      \$423,871,000.

11          (16) For Environmental Restoration, Defense-  
12      wide, \$18,431,000.

13          (17) For Environmental Restoration, Formerly  
14      Used Defense Sites, \$282,790,000.

15          (18) For the Overseas Contingency Operations  
16      Transfer Fund, \$10,000,000.

17          (19) For Cooperative Threat Reduction pro-  
18      grams, \$372,128,000.

19          (20) For Overseas Humanitarian Disaster and  
20      Civic Aid, \$63,204,000.

21 **SEC. 302. WORKING CAPITAL FUNDS.**

22      Funds are hereby authorized to be appropriated for  
23      fiscal year 2007 for the use of the Armed Forces and other  
24      activities and agencies of the Department of Defense for

1 providing capital for working capital and revolving funds  
2 in amounts as follows:

3 (1) For the Defense Working Capital Funds,  
4 \$1,364,498,000.

5 (2) For the National Defense Sealift Fund,  
6 \$1,071,932,000.

7 **SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

8 (a) DEFENSE HEALTH PROGRAM.—Funds are here-  
9 by authorized to be appropriated for the Department of  
10 Defense for fiscal year 2007 for expenses, not otherwise  
11 provided for, for the Defense Health Program,  
12 \$20,915,321,000, of which—

13 (1) \$20,381,863,000 is for Operation and  
14 Maintenance;

15 (2) \$135,603,000 is for Research, Development,  
16 Test, and Evaluation; and

17 (3) \$397,855,000 is for Procurement.

18 (b) CHEMICAL AGENTS AND MUNITIONS DESTRUC-  
19 TION, DEFENSE.—

20 (1) IN GENERAL.—Funds are hereby authorized  
21 to be appropriated for the Department of Defense  
22 for fiscal year 2007 for expenses, not otherwise pro-  
23 vided for, for Chemical Agents and Munitions De-  
24 struction, Defense, \$1,277,304,000, of which—

1 (A) \$1,046,290,000 is for Operation and  
2 Maintenance; and

3 (B) \$231,014,000 is for Research, Devel-  
4 opment, Test, and Evaluation.

5 (2) AVAILABILITY.—Amounts authorized to be  
6 appropriated under paragraph (1) are authorized  
7 for—

8 (A) the destruction of lethal chemical  
9 agents and munitions in accordance with sec-  
10 tion 1412 of the Department of Defense Au-  
11 thorization Act, 1986 (50 U.S.C. 1521); and

12 (B) the destruction of chemical warfare  
13 materiel of the United States that is not cov-  
14 ered by section 1412 of such Act.

15 (c) DRUG INTERDICTION AND COUNTER-DRUG AC-  
16 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized  
17 to be appropriated for the Department of Defense for fis-  
18 cal year 2007 for expenses, not otherwise provided for, for  
19 Drug Interdiction and Counter-Drug Activities, Defense-  
20 wide, \$926,890,000.

21 (d) DEFENSE INSPECTOR GENERAL.—Funds are  
22 hereby authorized to be appropriated for the Department  
23 of Defense for fiscal year 2007 for expenses, not otherwise  
24 provided for, for the Office of the Inspector General of  
25 the Department of Defense, \$216,297,000, of which—

1 (1) \$214,897,000 is for Operation and Maintenance;  
2 nance; and

3 (2) \$1,400,000 is for Procurement.

4 **Subtitle B—Program Requirements, Restrictions, and Limitations**  
5  
6

7 **SEC. 311. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
8 **THE ARMY LOGISTICS MODERNIZATION PROGRAM.**  
9

10 Of the funds authorized to be appropriated for the  
11 Department of Defense by this division and available for  
12 the Army Logistics Modernization Program (LMP), not  
13 more than \$6,900,000 may be obligated or expended for  
14 the development, fielding, or operation of the program  
15 until the Chairman of the Defense Business Systems Modernization  
16 Committee certifies to the congressional defense  
17 committees each of the following:

18 (1) That the program is essential to the national  
19 security of the United States or to the efficient  
20 management of the Department of Defense.

21 (2) That there is no alternative to the system  
22 under the program which will provide equal or greater  
23 capability at a lower cost.



1           (3) That the estimated costs, and the proposed  
2           schedule and performance parameters, for the pro-  
3           gram and system are reasonable.

4           (4) That the management structure for the pro-  
5           gram is adequate to manage and control program  
6           costs.

7   **SEC. 312. AVAILABILITY OF FUNDS FOR EXHIBITS FOR THE**  
8                   **NATIONAL MUSEUMS OF THE ARMED**  
9                   **FORCES.**

10       (a) NATIONAL MUSEUM OF THE UNITED STATES  
11   ARMY.—Of the amounts authorized to be appropriated by  
12   section 301(1) for operation and maintenance for the  
13   Army, \$3,000,000 may be available to the Secretary of  
14   the Army for education and training purposes to contract  
15   with the Army Historical Foundation for the acquisition,  
16   installation, and maintenance of exhibits at the National  
17   Museum of the United States Army.

18       (b) NATIONAL MUSEUM OF THE UNITED STATES  
19   NAVY.—Of the amounts authorized to be appropriated by  
20   section 301(2) for operation and maintenance for the  
21   Navy, \$3,000,000 may be available to the Secretary of the  
22   Navy for education and training purposes to contract with  
23   the Naval Historical Foundation for the acquisition, in-  
24   stallation, and maintenance of exhibits at the National  
25   Museum of the United States Navy.

1       (c) NATIONAL MUSEUM OF THE MARINE CORPS AND  
2 HERITAGE CENTER.—Of the amounts authorized to be  
3 appropriated by section 301(3) for operation and mainte-  
4 nance for the Marine Corps, \$3,000,000 may be available  
5 to the Secretary of the Navy for education and training  
6 purposes to contract with the United States Marine Corps  
7 Heritage Foundation for the acquisition, installation, and  
8 maintenance of exhibits at the National Museum of the  
9 Marine Corps and Heritage Center.

10       (d) NATIONAL MUSEUM OF THE UNITED STATES  
11 AIR FORCE.—Of the amounts authorized to be appro-  
12 priated by section 301(4) for operation and maintenance  
13 for the Air Force, \$3,000,000 may be available to the Sec-  
14 retary of the Air Force for education and training pur-  
15 poses to contract with the Air Force Museum Foundation  
16 for the acquisition, installation, and maintenance of exhib-  
17 its at the National Museum of the United States Air  
18 Force.

19       (e) REIMBURSEMENT.—

20           (1) AUTHORITY TO ACCEPT REIMBURSE-  
21 MENT.—During any fiscal year after fiscal year  
22 2006, the Secretary of a military department may  
23 accept from any non-profit entity authorized to sup-  
24 port the national museum of the applicable Armed  
25 Force amounts to reimburse such Secretary for

1 amounts obligated and expended by such Secretary  
2 from amounts available to such Secretary under this  
3 section.

4 (2) TREATMENT.—Amounts accepted as reim-  
5 bursement under paragraph (1) shall be credited to  
6 the account that was used to cover the costs in-  
7 curred by the Secretary of the military department  
8 concerned under this section. Amounts so credited  
9 shall be merged with amounts in such account, and  
10 shall be available for the same purposes, and subject  
11 to the same conditions and limitations, as amounts  
12 in such account.

13 **SEC. 313. LIMITATION ON FINANCIAL MANAGEMENT IM-**  
14 **PROVEMENT AND AUDIT INITIATIVES WITHIN**  
15 **THE DEPARTMENT OF DEFENSE.**

16 (a) LIMITATION.—The Secretary of Defense may not  
17 obligate or expend any funds for the purpose of any finan-  
18 cial management improvement activity relating to the  
19 preparation, processing, or auditing of financial state-  
20 ments until the Secretary submits to the congressional de-  
21 fense committees a written determination that each activ-  
22 ity proposed to be funded is—

23 (1) consistent with the financial management  
24 improvement plan of the Department of Defense re-  
25 quired by section 376(a)(1) of the National Defense

1 Authorization Act for Fiscal Year 2006 (Public Law  
2 190–163; 119 Stat. 3213); and

3 (2) likely to improve internal controls or other-  
4 wise result in sustained improvements in the ability  
5 of the Department to produce timely, reliable, and  
6 complete financial management information.

7 (b) EXCEPTION.—The limitation in subsection (a)  
8 shall not apply to an activity directed exclusively at assess-  
9 ing the adequacy of internal controls and remediating any  
10 inadequacy identified pursuant to such assessment.

11 **SEC. 314. LIMITATION ON AVAILABILITY OF OPERATION**  
12 **AND MAINTENANCE FUNDS FOR THE MAN-**  
13 **AGEMENT HEADQUARTERS OF THE DEFENSE**  
14 **INFORMATION SYSTEMS AGENCY.**

15 Of the amount authorized to be appropriated by this  
16 title and available for purposes of the operation and main-  
17 tenance of the management headquarters of the Defense  
18 Information Systems Agency, not more than 50 percent  
19 may be available for such purposes until the Secretary of  
20 Defense submits to Congress the report on the acquisition  
21 strategy of the Department of Defense for commercial sat-  
22 ellite communications services required by section 818(b)  
23 of the National Defense Authorization Act for Fiscal Year  
24 2006 (Public Law 109–136; 119 Stat. 3385).

## **Subtitle C—Environmental Provisions**

### **SEC. 331. RESPONSE PLAN FOR REMEDIATION OF MILITARY MUNITIONS.**

(a) PERFORMANCE GOALS FOR REMEDIATION.—The Department of Defense shall set the following remediation goals:

(1) To complete, by not later than September 30, 2007, preliminary assessments of unexploded ordnance, discarded military munitions, and munitions constituents at all active installations and formerly used defense sites.

(2) To complete, by not later than September 30, 2010, site inspections of unexploded ordnance, discarded military munitions, and munitions constituents at all active installations and formerly used defense sites.

(3) To achieve, by not later than September 30, 2009, a remedy in place or response complete for unexploded ordnance, discarded military munitions, and munitions constituents at all military installations closed or realigned as part of a round of defense base closure and realignment occurring prior to the 2005 round.

1           (4) To achieve, by a time certain established by  
2           the Secretary, a remedy in place or response com-  
3           plete for unexploded ordnance, discarded military  
4           munitions, and munitions constituents at all active  
5           installations and formerly used defense sites (other  
6           than operational ranges) and all military installa-  
7           tions realigned or closed under the 2005 round of  
8           defense base closure and realignment.

9           (b) RESPONSE PLAN REQUIRED.—

10           (1) IN GENERAL.—Not later than March 1,  
11           2007, the Secretary of Defense shall submit to the  
12           congressional defense committees a comprehensive  
13           plan for addressing the remediation of unexploded  
14           ordnance, discarded military munitions, and muni-  
15           tions constituents at current and former defense  
16           sites (other than operational ranges).

17           (2) CONTENT.—The plan required by para-  
18           graph (1) shall include—

19                   (A) a schedule, including interim goals, for  
20                   achieving the goals described in paragraphs (1)  
21                   through (3) of subsection (a), based upon the  
22                   Munitions Response Site Prioritization Protocol  
23                   established by the Department of Defense;

24                   (B) such interim goals as the Secretary de-  
25                   termines feasible for efficiently achieving the

1 goal required under paragraph (4) of such sub-  
2 section; and

3 (C) an estimate of the funding required to  
4 achieve the goals established pursuant to such  
5 subsection and the interim goals established  
6 pursuant to subparagraphs (A) and (B).

7 (3) UPDATES.—(A) The Secretary shall, not  
8 later than March 15 of 2008, 2009, and 2010, sub-  
9 mit to the congressional defense committees an up-  
10 date of the plan required under paragraph (1). Each  
11 update may be included in the report on environ-  
12 mental restoration activities submitted to Congress  
13 under section 2706(a) of title 10, United States  
14 Code, that is submitted in the year in which such  
15 update is submitted.

16 (B) The Secretary may include in an update  
17 submitted under subparagraph (A) any adjustment  
18 to the remediation goals established under sub-  
19 section (a) that the Secretary determines necessary  
20 to respond to unforeseen circumstances.

21 (c) REPORT ON REUSE STANDARDS AND PRIN-  
22 CIPLES.—Not later than March 1, 2007, the Secretary of  
23 Defense shall submit to the congressional defense commit-  
24 tees a report on the status of the efforts of the Depart-  
25 ment of Defense to achieve agreement with relevant regu-

latory agencies on appropriate reuse standards or principles, including—

(1) a description of any standards or principles that have been agreed upon; and

(2) a discussion of any issues that remain in disagreement (including the impact that any such disagreement is likely to have on the ability of the Department of Defense to carry out the plan).

(d) DEFINITIONS.—In this section, the terms “unexploded ordnance”, “discarded military munitions”, “munitions constituents”, “operational range”, and “defense site” have the meaning given such terms in section 2710(e) of title 10, United States Code.

(e) CONFORMING REPEAL.—Section 313 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1051; 10 U.S.C. 2706 note) is repealed.

**SEC. 332. EXTENSION OF AUTHORITY TO GRANT EXEMPTIONS TO CERTAIN REQUIREMENTS.**

(a) AMENDMENT TO TOXIC SUBSTANCES CONTROL ACT.—Section 6(e)(3) of the Toxic Substances Control Act (15 U.S.C. 2605(e)(3)) is amended—

(1) in subparagraph (A), by striking “subparagraphs (B) and (C)” and inserting “subparagraphs (B), (C), and (D)”;



1           (2) in subparagraph (B), by striking “but not  
2           more than 1 year from the date it is granted” and  
3           inserting “but not more than 1 year from the date  
4           it is granted, except as provided in subparagraph  
5           (D)”; and

6           (3) by adding at the end the following new sub-  
7           paragraph:

8                     “(D) The Administrator may grant an ex-  
9                     emption pursuant to subparagraph (B) for a  
10                    period of up to 3 years for the purpose of au-  
11                    thorizing the Secretary of Defense and the Sec-  
12                    retaries of the military departments to provide  
13                    for the transportation into the customs territory  
14                    of the United States of polychlorinated  
15                    biphenyls generated by or under the control of  
16                    the Department of Defense for purposes of  
17                    their disposal, treatment, or storage in the cus-  
18                    toms territory of the United States.”.

19           (b) SUNSET DATE.—The amendments made by sub-  
20           section (a) shall cease to have effect on September 30,  
21           2012. The termination of the authority to grant exemp-  
22           tions pursuant to such amendments shall not effect the  
23           validity of any exemption granted prior to such date.

24           (c) REPORT.—Not later than March 1, 2011, the  
25           Secretary of Defense shall submit to the Committee on

1 Armed Services and the Committee on Environment and  
2 Public Works of the Senate and the Committee on Armed  
3 Services and the Committee on Energy and Commerce of  
4 the House of Representatives a report on the status of  
5 polychlorinated biphenyls generated by or under the con-  
6 trol of the Department of Defense outside the United  
7 States. The report shall address, at a minimum—

8           (1) the remaining volume of such poly-  
9 chlorinated biphenyls that may require transpor-  
10 tation into the customs territory of the United  
11 States for disposal, treatment, or storage; and

12           (2) the efforts that have been made by the De-  
13 partment of Defense and other Federal agencies to  
14 reduce such volume by—

15               (A) reducing the volume of polychlorinated  
16 biphenyls generated by or under the control of  
17 the Department of Defense outside the United  
18 States; or

19               (B) developing alternative options for the  
20 disposal, treatment, or storage of such poly-  
21 chlorinated biphenyls.

22 **SEC. 333. RESEARCH ON EFFECTS OF OCEAN DISPOSAL OF**  
23 **MUNITIONS.**

24           (a) IDENTIFICATION OF DISPOSAL SITES.—

1           (1) HISTORICAL REVIEW.—The Secretary of  
2       Defense, in cooperation with the Commandant of the  
3       Coast Guard, the Administrator of the National Oce-  
4       anic and Atmospheric Administration, and the heads  
5       of other relevant Federal agencies, shall conduct a  
6       historical review of available records to determine  
7       the number, size, and probable locations of sites  
8       where the Armed Forces disposed of military muni-  
9       tions in coastal waters. The historical review shall,  
10      to the extent possible, identify the types of muni-  
11      tions at individual sites.

12          (2) INTERIM REPORTS.—The Secretary of De-  
13      fense shall periodically, but no less often than annu-  
14      ally, release any new information obtained during  
15      the historical review conducted under paragraph (1).  
16      The Secretary may withhold from public release the  
17      exact nature and locations of munitions the potential  
18      unauthorized retrieval of which could pose a signifi-  
19      cant threat to the national defense or public safety.

20          (3) INCLUSION OF INFORMATION IN ANNUAL  
21      REPORT ON ENVIRONMENTAL RESTORATION ACTIVI-  
22      TIES.—The Secretary shall include the information  
23      obtained pursuant to the review conducted under  
24      paragraph (1) in the annual report on environmental

1 restoration activities submitted to Congress under  
2 section 2706 of title 10, United States Code.

3 (4) FINAL REPORT.—The Secretary shall com-  
4 plete the historical review required under paragraph  
5 (1) and submit a final report on the findings of such  
6 review in the annual report on environmental res-  
7 toration activities submitted to Congress for fiscal  
8 year 2009.

9 (b) IDENTIFICATION OF NAVIGATIONAL AND SAFETY  
10 HAZARDS.—

11 (1) IDENTIFICATION OF HAZARDS.—The Sec-  
12 retary of Defense shall provide available information  
13 to the Secretary of Commerce to assist the National  
14 Oceanic and Atmospheric Administration in pre-  
15 paring nautical charts and other navigational mate-  
16 rials for coastal waters that identify known or poten-  
17 tial hazards posed by disposed military munitions to  
18 private activities, including commercial shipping and  
19 fishing operations.

20 (2) CONTINUATION OF INFORMATION ACTIVI-  
21 TIES.—The Secretary of Defense shall continue ac-  
22 tivities to inform potentially affected users of the  
23 ocean environment, particularly fishing operations,  
24 of the possible hazards from contact with disposed

1 military munitions and the proper methods to miti-  
2 gate such hazards.

3 (c) RESEARCH.—

4 (1) IN GENERAL.—The Secretary of Defense  
5 shall continue to conduct research on the effects on  
6 the ocean environment and those who use it of mili-  
7 tary munitions disposed of in coastal waters.

8 (2) SCOPE.—Research under paragraph (1)  
9 shall include—

10 (A) the sampling and analysis of ocean wa-  
11 ters and sea beds at or adjacent to military mu-  
12 nitions disposal sites selected pursuant to para-  
13 graph (3) to determine whether the disposed  
14 military munitions have caused or are causing  
15 contamination of such waters or sea beds;

16 (B) investigation into the long-term effects  
17 of seawater exposure on disposed military muni-  
18 tions, particularly effects on chemical muni-  
19 tions;

20 (C) investigation into the impacts any such  
21 contamination may have on the ocean environ-  
22 ment and those who use it, including public  
23 health risks;

1 (D) investigation into the feasibility of re-  
2 moving or otherwise remediating the military  
3 munitions; and

4 (E) the development of effective safety  
5 measures for dealing with such military muni-  
6 tions.

7 (3) RESEARCH CRITERIA.—In conducting the  
8 research required by this subsection, the Secretary  
9 shall ensure that the sampling, analysis, and inves-  
10 tigations are conducted at representative sites, tak-  
11 ing into account factors such as depth, water tem-  
12 perature, nature of the military munitions present,  
13 and relative proximity to onshore populations. In  
14 conducting such research, the Secretary shall select  
15 at least two representative sites each in the areas of  
16 the Atlantic coast, the Pacific coast (including Alas-  
17 ka), and the Hawaiian Islands.

18 (4) AUTHORITY TO MAKE GRANTS AND ENTER  
19 INTO COOPERATIVE AGREEMENTS.—In conducting  
20 research under this subsection, the Secretary may  
21 make grants to, and enter into cooperative agree-  
22 ments with, qualified research entities.

23 (d) MONITORING.—If the historical review required  
24 by subsection (a) or the research required by subsection  
25 (c) indicates that contamination is being released into the

1 ocean waters from disposed military munitions at a par-  
 2 ticular site or that the site poses a significant public health  
 3 or safety risk, the Secretary shall institute appropriate  
 4 monitoring mechanisms at that site and report to the con-  
 5 gressional defense committees on any additional measures  
 6 that may be necessary to address the release or risk, as  
 7 applicable.

8 (e) DEFINITIONS.—In this section:

9 (1) The term “coastal waters” means that part  
 10 of the ocean extending from the coast line of the  
 11 United States to the outer boundary of the outer  
 12 Continental Shelf.

13 (2) The term “coast line” has the meaning  
 14 given that term in section 2(c) of the Submerged  
 15 Lands Act (43 U.S.C. 1301(c)).

16 (3) The term “outer Continental Shelf” has the  
 17 meaning given that term in section 2(a) of the Outer  
 18 Continental Shelf Lands Act (43 U.S.C. 1331(a)).

19 **SEC. 334. CLARIFICATION OF MULTI-YEAR AUTHORITY TO**  
 20 **USE BASE CLOSURE FUNDS TO FUND COOP-**  
 21 **ERATIVE AGREEMENTS UNDER ENVIRON-**  
 22 **MENTAL RESTORATION PROGRAM.**

23 Section 2701 of title 10, United States Code, is  
 24 amended by adding at the end the following new sentence:  
 25 “This two-year limitation does not apply to agreements

1 funded through the Department of Defense Base Closure  
 2 Account 1990 or the Department of Defense Base Closure  
 3 Account 2005 established by sections 2906 and 2906A,  
 4 respectively, of the Defense Base Closure and Realignment  
 5 Act of 1990 (part A of title XXIX of Public Law 101–  
 6 510; 10 U.S.C. 2687 note).”.

7 **SEC. 335. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-**  
 8 **TION AGENCY FOR CERTAIN COSTS IN CON-**  
 9 **NECTION WITH MOSES LAKE WELLFIELD**  
 10 **SUPERFUND SITE, MOSES LAKE, WASH-**  
 11 **INGTON.**

12 (a) **AUTHORITY TO REIMBURSE.**—(1) Using funds  
 13 described in subsection (b), the Secretary of Defense may  
 14 transfer not more than \$111,114.03 to the Moses Lake  
 15 Wellfield Superfund Site 10–6J Special Account.

16 (2) The payment under paragraph (1) is to reimburse  
 17 the Environmental Protection Agency for its costs in-  
 18 curred in overseeing a remedial investigation/feasibility  
 19 study performed by the Department of the Army under  
 20 the Defense Environmental Restoration Program at the  
 21 former Larson Air Force Base, Moses Lake Superfund  
 22 Site, Moses Lake, Washington.

23 (3) The reimbursement described in paragraph (2) is  
 24 provided for in the interagency agreement entered into by  
 25 the Department of the Army and the Environmental Pro-



1 tection Agency for the Moses Lake Wellfield Superfund  
2 Site in March 1999.

3 (b) SOURCE OF FUNDS.—Any payment under sub-  
4 section (a) shall be made using funds authorized to be ap-  
5 propriated by section 301(17) for operation and mainte-  
6 nance for Environmental Restoration, Formerly Used De-  
7 fense Sites.

8 (c) USE OF FUNDS.—The Environmental Protection  
9 Agency shall use the amount transferred under subsection  
10 (a) to pay costs incurred by the Agency at the Moses Lake  
11 Wellfield Superfund Site.

## 12 **Subtitle D—Reports**

### 13 **SEC. 351. COMPTROLLER GENERAL REPORT ON READINESS** 14 **OF THE GROUND FORCES OF THE ARMY AND** 15 **THE MARINE CORPS.**

16 (a) REPORT REQUIRED.—

17 (1) IN GENERAL.—Not later than March 1,  
18 2007, the Comptroller General of the United States  
19 shall submit to the congressional defense committees  
20 a report on the readiness of the active component  
21 and reserve component ground forces of the Army  
22 and the Marine Corps.

23 (2) ONE OR MORE REPORTS.—In complying  
24 with the requirements of this section, the Comp-  
25 troller General may submit a single report address-

1       ing all the elements specified in subsection (b) or  
2       two or more reports addressing any combination of  
3       such elements. If the Comptroller General submits  
4       more than one report under this section, all such re-  
5       ports shall be submitted not later than the date  
6       specified in paragraph (1).

7       (b) ELEMENTS.—The elements specified in this sub-  
8       section include the following:

9               (1) An analysis of the current readiness status  
10              of each of the active component and reserve compo-  
11              nent ground forces of the Army and the Marine  
12              Corps, including a description of any major defi-  
13              ciency identified, an analysis of the trends in readi-  
14              ness of such forces during not less than the ten  
15              years preceding the report, and a comparison of the  
16              current readiness indicators of such ground forces  
17              with historical patterns.

18             (2) An assessment of the ability of the Army  
19             and the Marine Corps to provide trained and ready  
20             forces for ongoing operations as well as other com-  
21             mitments assigned to the Army and the Marine  
22             Corps in defense planning documents.

23             (3) An analysis of the availability of equipment  
24             for training by units of the Army and the Marine  
25             Corps in the United States in configurations com-

1       parable to the equipment being used by units of the  
2       Army and the Marine Corps, as applicable, in ongoing  
3       operations.

4           (4) An analysis of the current and projected requirement for repair or replacement of equipment of  
5       the Army and the Marine Corps due to ongoing operations, and the impact of such required repair or  
6       replacement of equipment on the availability of  
7       equipment for training.

8           (5) An assessment of the current personnel  
9       tempo of Army and Marine Corps forces, including—  
10       ing—

11           (A) a comparison of such tempos to historical trends;  
12           ical trends;

13           (B) an identification of particular occupational specialties that are experiencing unusually  
14       high or low deployment rates; and  
15       ally high or low deployment rates; and

16           (C) an analysis of retention rates in the occupational specialties identified under subparagraph  
17       graph (B).  
18       graph (B).

19           (6) An assessment of the efforts of the Army  
20       and the Marine Corps to mitigate the impact of high  
21       operational tempos, including cross-leveling of personnel and equipment or cross training of personnel  
22       or units for new or additional mission requirements.  
23       sonnel and equipment or cross training of personnel  
24       or units for new or additional mission requirements.  
25       or units for new or additional mission requirements.

1           (7) A description of the current policy of the  
 2       Army and the Marine Corps with respect to the mo-  
 3       bilization of reserve component personnel, together  
 4       with an analysis of the number of reserve component  
 5       personnel in each of the Army and the Marine Corps  
 6       that are projected to be available for deployment  
 7       under such policy.

8       (c) FORM OF REPORT.—Any report submitted under  
 9       subsection (a) shall be submitted in both classified and  
 10      unclassified form.

## 11       **Subtitle E—Workplace and Depot** 12                                   **Issues**

### 13   **SEC. 361. MINIMUM CAPITAL INVESTMENT LEVELS FOR** 14                                   **PUBLIC DEPOTS SERVICED BY WORKING** 15                                   **CAPITAL FUNDS.**

16       (a) MINIMUM INVESTMENT LEVELS.—Section 2208  
 17       of title 10, United States Code, is amended by adding at  
 18       the end the following new subsection:

19       “(s) MINIMUM CAPITAL INVESTMENT FOR PUBLIC  
 20       DEPOTS SERVICED BY WORKING CAPITAL FUNDS.—(1)  
 21       Each public depot that is serviced by a working capital  
 22       fund shall invest in its capital budget each fiscal year an  
 23       amount equal to not less than six percent of the actual  
 24       total revenue of the public depot for the previous fiscal  
 25       year.

1       “(2) The Secretary of Defense may waive the require-  
2   ment in paragraph (1) with respect to a particular public  
3   depot for a fiscal year if the Secretary determines that  
4   the waiver is necessary for reasons of national security and  
5   notifies the congressional defense committees of the rea-  
6   sons for the waiver.

7       “(3)(A) Each year, not later than 45 days after the  
8   President submits to Congress the budget for a fiscal year  
9   under section 1105 of title 31, the Secretary shall submit  
10   to the congressional defense committees budget justifica-  
11   tion documents summarizing the level of capital invest-  
12   ment at each public depot serviced by working capital  
13   funds as of the end of the previous fiscal year.

14       “(B) Each report under this paragraph shall include  
15   the following:

16           “(i) A specification of the statutory, regulatory,  
17       or operational impediments, if any, to achieving the  
18       requirement in paragraph (1) with respect to each  
19       public depot described in that paragraph.

20           “(ii) A description of the benchmarks estab-  
21       lished by each public depot and working capital fund  
22       for capital investment and the relationship of the  
23       benchmarks to applicable performance measurement  
24       methods used in the private sector.

1           “(iii) If the requirement set out in paragraph  
 2           (1) is not met for any public depot in the previous  
 3           fiscal year, a statement of the reasons why and a  
 4           plan of actions to meet the requirement for such  
 5           public depot in the fiscal year beginning in the year  
 6           in which such report is submitted.

7           “(4) In this subsection, the terms ‘total revenue’ and  
 8           ‘capital budget’ have the meaning given such terms in De-  
 9           partment of Defense Financial Management Regulation  
 10          7000.14–R of June 2004.”.

11          (b) EFFECTIVE DATE.—The amendment made by  
 12          this section shall take effect on the date of the enactment  
 13          of this Act, and shall apply with respect to fiscal years  
 14          beginning on or after that date.

15      **SEC. 362. PERMANENT EXCLUSION OF CERTAIN CONTRACT**  
 16                              **EXPENDITURES FROM PERCENTAGE LIMITA-**  
 17                              **TION ON THE PERFORMANCE OF DEPOT-**  
 18                              **LEVEL MAINTENANCE.**

19          Section 2474(f)(1) of title 10, United States Code,  
 20          is amended by striking “entered into during fiscal years  
 21          2003 through 2009”.

1 **SEC. 363. ADDITIONAL EXCEPTION TO PROHIBITION ON**  
 2 **CONTRACTOR PERFORMANCE OF FIRE-**  
 3 **FIGHTING FUNCTIONS.**

4 Section 2465(b) of title 10, United States Code, is  
 5 amended by adding at the end the following new para-  
 6 graph:

7 “(5) A contract for the performance of fire-  
 8 fighting functions to—

9 “(A) fight wildland fires such as range or  
 10 forest fires; and

11 “(B) perform wildland fire management,  
 12 including the conduct of hazardous fuels treat-  
 13 ments to reduce wildland fire risks (including  
 14 prescribed fire and mechanical treatments).”.

15 **SEC. 364. TEMPORARY SECURITY GUARD SERVICES FOR**  
 16 **CERTAIN WORK CAUSED BY REALIGNMENT**  
 17 **OF MILITARY INSTALLATIONS UNDER THE**  
 18 **BASE CLOSURE LAWS.**

19 (a) **AUTHORITY FOR TEMPORARY SERVICES.**—Not-  
 20 withstanding section 2465 of title 10, United States Code,  
 21 the Secretary of the military department concerned may,  
 22 for a period not to exceed one year at any single military  
 23 installation, contract for security guard services at mili-  
 24 tary installations approved for realignment under a base  
 25 closure law when such services are required for the safe  
 26 and secure relocation of either of the following:

1           (1) Military munitions and munitions-related  
2       equipment.

3           (2) High-value items in temporary storage  
4       areas.

5       (b) DEFINITIONS.—In this section:

6           (1) The term “base closure law” has the mean-  
7       ing given such term in section 101(a)(17) of title 10,  
8       United States Code.

9           (2) The term “military munitions” has the  
10      meaning given such term in section 101(e)(4) of title  
11      10, United States Code.

12      (c) EXPIRATION.—The authority to enter into a con-  
13      tract under subsection (a) shall expire on September 15,  
14      2011.

## 15                   **Subtitle F—Other Matters**

### 16      **SEC. 371. RECYCLING OF MILITARY MUNITIONS.**

17      (a) IN GENERAL.—Chapter 443 of title 10, United  
18      States Code, is amended by adding at the end the fol-  
19      lowing new section:

#### 20      **“§ 4690. Sale of recyclable munitions materials**

21      “(a) AUTHORITY FOR PROGRAM.—(1) The Secretary  
22      of the Army may carry out a program to—

23              “(A) sell recyclable munitions materials result-  
24      ing from the demilitarization of conventional mili-  
25      tary munitions; and



1           “(B) use the proceeds of sale for reclamation,  
2       recycling, and reuse of conventional military muni-  
3       tions.

4       “(2) The program authorized by this section may be  
5       known as the ‘Military Munitions Recycling Program’.

6       “(b) GEOGRAPHIC LIMITATION.—The program au-  
7       thorized by subsection (a) may only be carried out in the  
8       United States and its possessions.

9       “(c) METHOD OF SALE.—(1) Except as provided in  
10      paragraph (2), the Secretary shall use competitive proce-  
11      dures to sell recyclable munitions materials under the pro-  
12      gram authorized by this section.

13      “(2) The Secretary may use procedures other than  
14      competitive procedures to sell recyclable munitions mate-  
15      rials under the program authorized by this section in any  
16      case in which the Secretary determines there is only one  
17      potential buyer of the items being offered for sale.

18      “(3) The provisions of title 40 concerning disposal  
19      of property are not applicable to sales of materials under  
20      the program authorized by this section.

21      “(d) USE OF PROCEEDS.—(1) Proceeds from the sale  
22      of recyclable munitions materials under the program au-  
23      thorized by this section shall be credited to the Ammuni-  
24      tion Demilitarization Account within the Procurement of  
25      Ammunition, Army, Account.

1       “(2) Amounts credited to the Ammunition Demili-  
2   tarization Account under paragraph (1) shall be available  
3   solely for purposes of reclamation, recycling, and reuse of  
4   conventional military munitions, including for research  
5   and development for such purposes and for the procure-  
6   ment of equipment for such purposes.

7       “(3) Funds credited to the Ammunition Demilitariza-  
8   tion Account under paragraph (1) in a fiscal year shall  
9   be available for obligation under paragraph (2) during the  
10   fiscal year in which the funds are so credited and for three  
11   fiscal years thereafter.

12       “(4) Funds credited to the Ammunition Demilitariza-  
13   tion Account under paragraph (1) that are not obligated  
14   under paragraph (2) within the period of availability  
15   under paragraph (3) shall, at the end of such period, be  
16   deposited into the Treasury as miscellaneous receipts.

17       “(e) REGULATIONS.—The Secretary shall prescribe  
18   regulations on the operation of the program authorized by  
19   this section. The regulations shall be consistent with the  
20   Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and  
21   any regulations prescribed thereunder.”.

22       (b) CLERICAL AMENDMENT.—The table of sections  
23   at the beginning of chapter 443 of such title is amended  
24   by adding at the end the following new item:

“4690. Sale of recyclable munitions materials.”.

1 **SEC. 372. INCENTIVES CLAUSES IN CHEMICAL DEMILI-**  
2 **TARIZATION CONTRACTS.**

3 (a) IN GENERAL.—

4 (1) AUTHORITY TO INCLUDE CLAUSES IN CON-  
5 TRACTS.—The Secretary of Defense may, for the  
6 purpose specified in paragraph (2), authorize the in-  
7 clusion of an incentives clause in any contract for  
8 the destruction of the United States stockpile of le-  
9 thal chemical agents and munitions carried out pur-  
10 suant to section 1412 of the Department of Defense  
11 Authorization Act, 1986 (50 U.S.C. 1521).

12 (2) PURPOSE.—The purpose of a clause re-  
13 ferred to in paragraph (1) is to provide the con-  
14 tractor for a chemical demilitarization facility an in-  
15 centive to accelerate the safe elimination of the  
16 United States chemical weapons stockpile and to re-  
17 duce the total cost of the Chemical Demilitarization  
18 Program by providing incentive payments for the  
19 early completion of destruction operations and the  
20 closure of such facility.

21 (b) INCENTIVES CLAUSES.—

22 (1) IN GENERAL.—An incentives clause under  
23 this section shall permit the contractor for the chem-  
24 ical demilitarization facility concerned the oppor-  
25 tunity to earn incentive payments for the completion  
26 of destruction operations and facility closure activi-

1       ties within target incentive ranges specified in such  
2       clause.

3               (2) LIMITATION ON INCENTIVE PAYMENTS.—

4       The maximum incentive payment under an incen-  
5       tives clause with respect to a chemical demilitariza-  
6       tion facility may not exceed amounts as follows:

7               (A) In the case of an incentive payment for  
8       the completion of destruction operations within  
9       the target incentive range specified in such  
10      clause, \$110,000,000.

11              (B) In the case of an incentive payment  
12      for the completion of facility closure activities  
13      within the target incentive range specified in  
14      such clause, \$55,000,000.

15              (3) TARGET RANGES.—An incentives clause in  
16      a contract under this section shall specify the target  
17      incentive ranges of costs for completion of destruc-  
18      tion operations and facility closure activities, respec-  
19      tively, as jointly agreed upon by the contracting offi-  
20      cer and the contractor concerned. An incentives  
21      clause shall require a proportionate reduction in the  
22      maximum incentive payment amounts in the event  
23      that the contractor exceeds an agreed-upon target  
24      cost if such excess costs are the responsibility of the  
25      contractor.

1           (4) CALCULATION OF INCENTIVE PAYMENTS.—

2           The amount of the incentive payment earned by a  
3           contractor for a chemical demilitarization facility  
4           under an incentives clause under this section shall  
5           be based upon a determination by the Secretary on  
6           how early in the target incentive range specified in  
7           such clause destruction operations or facility closure  
8           activities, as the case may be, are completed.

9           (5) CONSISTENCY WITH EXISTING OBLIGA-  
10          TIONS.—The provisions of any incentives clause  
11          under this section shall be consistent with the obli-  
12          gation of the Secretary of Defense under section  
13          1412(c)(1)(A) of the Department of Defense Au-  
14          thorization Act, 1986 to provide for maximum pro-  
15          tection for the environment, the general public, and  
16          the personnel who are involved in the destruction of  
17          the lethal chemical agents and munitions.

18          (6) ADDITIONAL TERMS AND CONDITIONS.—In  
19          negotiating the inclusion of an incentives clause in  
20          a contract under this section, the Secretary may in-  
21          clude in such clause such additional terms and con-  
22          ditions as the Secretary considers appropriate.

23          (c) LIMITATION.—The authority to include an incen-  
24          tives clause in a contract under this section is subject to  
25          the availability of appropriations for that purpose.

1 **SEC. 373. EXTENSION OF DEPARTMENT OF DEFENSE TELE-**  
 2 **COMMUNICATIONS BENEFIT PROGRAM.**

3 (a) TERMINATION AT END OF CONTINGENCY OPER-  
 4 ATION.—Subsection (c) of section 344 of the National De-  
 5 fense Authorization Act for Fiscal Year 2004 (Public Law  
 6 108–136; 117 Stat. 1449), as amended by section 341 of  
 7 the Ronald W. Reagan National Defense Authorization  
 8 Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat.  
 9 1857), is further amended by striking “terminate on Sep-  
 10 tember 30, 2006” and inserting “terminate with respect  
 11 to a contingency operation on the date that is 60 days  
 12 after the date on which the Secretary determines that the  
 13 contingency operation has ended”.

14 (b) APPLICATION TO OTHER CONTINGENCY OPER-  
 15 ATIONS.—Such section is further amended—

16 (1) in subsection (a), by striking “Operation  
 17 Iraqi Freedom and Operation Enduring Freedom”  
 18 and inserting “a contingency operation”; and

19 (2) by adding at the end the following new sub-  
 20 section:

21 “(g) CONTINGENCY OPERATION DEFINED.—In this  
 22 section, the term ‘contingency operation’ has the meaning  
 23 given that term in section 101(a)(13) of title 10, United  
 24 States Code. The term includes Operation Iraqi Freedom  
 25 and Operation Enduring Freedom.”.

1       (c) EXTENSION TO HOSPITALIZED MEMBERS.—Sub-  
2 section (a) of such section is further amended—

3           (1) by striking “As soon as possible after the  
4 date of the enactment of this Act, the” and inserting  
5 “The”; and

6           (2) by adding at the end the following new sen-  
7 tence: “As soon as possible after the date of the en-  
8 actment of the National Defense Authorization Act  
9 for Fiscal Year 2007, the Secretary shall extend  
10 such telecommunications benefit to members of the  
11 Armed Forces who, although no longer covered by  
12 the preceding sentence, are hospitalized as a result  
13 of wounds or other injuries incurred while serving in  
14 direct support of a contingency operation.”.

15       (d) REPORT ON IMPLEMENTATION OF MODIFIED  
16 BENEFITS.—Not later than 90 days after the date of the  
17 enactment of this Act, the Secretary of Defense shall sub-  
18 mit to the congressional defense committees a report de-  
19 scribing the status of the efforts of the Department of De-  
20 fense to implement the modifications of the Department  
21 of Defense telecommunications benefit required by section  
22 344 of the National Defense Authorization Act for Fiscal  
23 Year 2004 that result from the amendments made by this  
24 section.

1 **SEC. 374. EXTENSION OF AVAILABILITY OF FUNDS FOR**  
 2 **COMMEMORATION OF SUCCESS OF THE**  
 3 **ARMED FORCES IN OPERATION ENDURING**  
 4 **FREEDOM AND OPERATION IRAQI FREEDOM.**

5 Section 378(b)(2) of the National Defense Authoriza-  
 6 tion Act for Fiscal Year 2006 (Public Law 109–163; 119  
 7 Stat. 3214) is amended by striking “fiscal year 2006” and  
 8 inserting “fiscal years 2006 and 2007”.

9 **TITLE IV—MILITARY**  
 10 **PERSONNEL AUTHORIZATIONS**  
 11 **Subtitle A—Active Forces**

12 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

13 The Armed Forces are authorized strengths for active  
 14 duty personnel as of September 30, 2007, as follows:

- 15 (1) The Army, 512,400.
- 16 (2) The Navy, 340,700.
- 17 (3) The Marine Corps, 180,000.
- 18 (4) The Air Force, 334,200.

19 **SEC. 402. REPEAL OF REQUIREMENT FOR PERMANENT END**  
 20 **STRENGTH LEVELS TO SUPPORT TWO MAJOR**  
 21 **REGIONAL CONTINGENCIES.**

22 (a) REPEAL.—Section 691 of title 10, United States  
 23 Code, is repealed.

24 (b) CLERICAL AMENDMENT.—The table of sections  
 25 at the beginning of chapter 39 of such title is amended  
 26 by striking the item relating to section 691.



1           **Subtitle B—Reserve Forces**

2   **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

3           (a) IN GENERAL.—The Armed Forces are authorized  
4 strengths for Selected Reserve personnel of the reserve  
5 components as of September 30, 2007, as follows:

6               (1) The Army National Guard of the United  
7 States, 350,000.

8               (2) The Army Reserve, 200,000.

9               (3) The Navy Reserve, 71,300.

10              (4) The Marine Corps Reserve, 39,600.

11              (5) The Air National Guard of the United  
12 States, 107,000.

13              (6) The Air Force Reserve, 74,900.

14              (7) The Coast Guard Reserve, 10,000.

15           (b) ADJUSTMENTS.—The end strengths prescribed by  
16 subsection (a) for the Selected Reserve of any reserve com-  
17 ponent shall be proportionately reduced by—

18               (1) the total authorized strength of units orga-  
19 nized to serve as units of the Selected Reserve of  
20 such component which are on active duty (other  
21 than for training) at the end of the fiscal year; and

22               (2) the total number of individual members not  
23 in units organized to serve as units of the Selected  
24 Reserve of such component who are on active duty  
25 (other than for training or for unsatisfactory partici-

1       pation in training) without their consent at the end  
2       of the fiscal year.

3 Whenever such units or such individual members are re-  
4 leased from active duty during any fiscal year, the end  
5 strength prescribed for such fiscal year for the Selected  
6 Reserve of such reserve component shall be increased pro-  
7 portionately by the total authorized strengths of such  
8 units and by the total number of such individual members.

9 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
10 **DUTY IN SUPPORT OF THE RESERVES.**

11 Within the end strengths prescribed in section  
12 411(a), the reserve components of the Armed Forces are  
13 authorized, as of September 30, 2007, the following num-  
14 ber of Reserves to be serving on full-time active duty or  
15 full-time duty, in the case of members of the National  
16 Guard, for the purpose of organizing, administering, re-  
17 cruiting, instructing, or training the reserve components:

18           (1) The Army National Guard of the United  
19 States, 27,441.

20           (2) The Army Reserve, 15,416.

21           (3) The Navy Reserve, 12,564.

22           (4) The Marine Corps Reserve, 2,261.

23           (5) The Air National Guard of the United  
24 States, 13,206.

25           (6) The Air Force Reserve, 2,707.

1 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**  
2 **(DUAL STATUS).**

3 The minimum number of military technicians (dual  
4 status) as of the last day of fiscal year 2007 for the re-  
5 serve components of the Army and the Air Force (notwith-  
6 standing section 129 of title 10, United States Code) shall  
7 be the following:

8 (1) For the Army Reserve, 7,912.

9 (2) For the Army National Guard of the United  
10 States, 26,050.

11 (3) For the Air Force Reserve, 10,124.

12 (4) For the Air National Guard of the United  
13 States, 23,255.

14 **SEC. 414. FISCAL YEAR 2007 LIMITATION ON NUMBER OF**  
15 **NON-DUAL STATUS TECHNICIANS.**

16 (a) LIMITATIONS.—

17 (1) NATIONAL GUARD.—Within the limitation  
18 provided in section 10217(c)(2) of title 10, United  
19 States Code, the number of non-dual status techni-  
20 cians employed by the National Guard as of Sep-  
21 tember 30, 2007, may not exceed the following:

22 (A) For the Army National Guard of the  
23 United States, 1,600.

24 (B) For the Air National Guard of the  
25 United States, 350.

1           (2) ARMY RESERVE.—The number of non-dual  
2           status technicians employed by the Army Reserve as  
3           of September 30, 2007, may not exceed 595.

4           (3) AIR FORCE RESERVE.—The number of non-  
5           dual status technicians employed by the Air Force  
6           Reserve as of September 30, 2007, may not exceed  
7           90.

8           (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In  
9           this section, the term “non-dual status technician” has the  
10          meaning given that term in section 10217(a) of title 10,  
11          United States Code.

12   **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**  
13                   **THORIZED TO BE ON ACTIVE DUTY FOR**  
14                   **OPERATIONAL SUPPORT.**

15          During fiscal year 2007, the maximum number of  
16          members of the reserve components of the Armed Forces  
17          who may be serving at any time on full-time operational  
18          support duty under section 115(b) of title 10, United  
19          States Code, is the following:

20               (1) The Army National Guard of the United  
21               States, 17,000.

22               (2) The Army Reserve, 13,000.

23               (3) The Navy Reserve, 6,200.

24               (4) The Marine Corps Reserve, 3,000.

1           (5) The Air National Guard of the United  
2 States, 16,000.

3           (6) The Air Force Reserve, 14,000.

4           **Subtitle C—Authorization of**  
5           **Appropriations**

6   **SEC. 421. MILITARY PERSONNEL.**

7           There is hereby authorized to be appropriated to the  
8 Department of Defense for military personnel for fiscal  
9 year 2007 a total of \$112,043,468,000. The authorization  
10 in the preceding sentence supersedes any other authoriza-  
11 tion of appropriations (definite or indefinite) for such pur-  
12 pose for fiscal year 2007.

13   **SEC. 422. ARMED FORCES RETIREMENT HOME.**

14           There is hereby authorized to be appropriated for fis-  
15 cal year 2007 from the Armed Forces Retirement Home  
16 Trust Fund the sum of \$54,846,000 for the operation of  
17 the Armed Forces Retirement Home.

1 **TITLE V—MILITARY PERSONNEL**  
 2 **POLICY**

3 **Subtitle A—Officer Personnel**  
 4 **Policy**

5 **Part I—Officer Personnel Policy Generally**

6 **SEC. 501. MILITARY STATUS OF OFFICERS SERVING IN CER-**  
 7 **TAIN INTELLIGENCE COMMUNITY POSITIONS.**

8 Section 528 of title 10, United States Code, is  
 9 amended by adding at the end the following new sub-  
 10 sections:

11 “(e) **MILITARY STATUS.**—An officer of the armed  
 12 forces, while serving in a position covered by this section—

13 “(1) shall not be subject to supervision or con-  
 14 trol by the Secretary of Defense or by any officer or  
 15 employee of the Department of Defense, except as  
 16 directed by the Secretary or the Secretary’s designee  
 17 concerning reassignment from such position; and

18 “(2) shall not exercise, by reason of the officer’s  
 19 status as an officer, any supervision or control with  
 20 respect to any of the military or civilian personnel  
 21 of the Department of Defense except as otherwise  
 22 authorized by law.

23 “(f) **EFFECT OF APPOINTMENT.**—Except as provided  
 24 in subsection (e), the appointment of an officer of the  
 25 armed forces to a position covered by this section shall

1 not affect the status, position, rank, or grade of such offi-  
2 cer in the armed forces, or any emolument, perquisite,  
3 right, privilege, or benefit incident to or arising out of such  
4 status, position, rank, or grade.

5 “(g) MILITARY PAY AND ALLOWANCES.—(1) An offi-  
6 cer of the armed forces on active duty who is appointed  
7 to a position covered by this section shall, while serving  
8 in such position and while remaining on active duty, con-  
9 tinue to receive military pay and allowances, and shall not  
10 receive the pay prescribed for such position.

11 “(2) Funds from which pay and allowances under  
12 paragraph (1) are paid shall be reimbursed from the fol-  
13 lowing:

14 “(A) Funds available to the Director of the  
15 Central Intelligence Agency, for positions within the  
16 Central Intelligence Agency.

17 “(B) Funds available to the Director of Na-  
18 tional Intelligence, for positions within the Office of  
19 the Director of National Intelligence.”.

1 **SEC. 502. EXTENSION OF TEMPORARY REDUCTION OF**  
 2 **TIME-IN-GRADE REQUIREMENT FOR ELIGI-**  
 3 **BILITY FOR PROMOTION FOR CERTAIN AC-**  
 4 **TIVE-DUTY LIST OFFICERS IN GRADES OF**  
 5 **FIRST LIEUTENANT AND LIEUTENANT (JUN-**  
 6 **IOR GRADE).**

7 Section 619(a)(1)(B) of title 10, United States Code,  
 8 is amended by striking “October 1, 2005” and inserting  
 9 “October 1, 2008”.

10 **SEC. 503. EXTENSION OF AGE LIMITS FOR ACTIVE-DUTY**  
 11 **GENERAL AND FLAG OFFICERS.**

12 (a) RESTATEMENT AND MODIFICATION OF CURRENT  
 13 AGE LIMITS.—Section 1251 of title 10, United States  
 14 Code, is amended to read as follows:

15 **“§ 1251. Regular commissioned officers; exceptions**

16 “(a) AGE LIMITS FOR GENERAL AND FLAG OFFI-  
 17 CERS.—(1) Unless retired or separated earlier, each reg-  
 18 ular commissioned officer of the Army, Air Force, or Ma-  
 19 rine Corps serving in a grade at or above brigadier gen-  
 20 eral, or rear admiral (lower half) in the case of an officer  
 21 in the Navy, shall be retired on the first day of the month  
 22 following the month in which the officer becomes 64 years  
 23 of age.

24 “(2) Notwithstanding paragraph (1), the Secretary of  
 25 Defense may defer the retirement of an officer serving in  
 26 a position that carries a grade above major general or rear



1 admiral, but such a deferment may not extend beyond the  
2 first day of the month following the month in which the  
3 officer becomes 66 years of age.

4 “(3) Notwithstanding paragraphs (1) and (2), the  
5 President may defer the retirement of an officer serving  
6 in a position that carries a grade above major general or  
7 rear admiral, but such a deferment may not extend beyond  
8 the first day of the month following the month in which  
9 the officer becomes 68 years of age.

10 “(b) AGE LIMITS FOR OTHER OFFICERS.—Unless re-  
11 tired or separated earlier, each regular commissioned offi-  
12 cer of the Army, Air Force, or Marine Corps other than  
13 an officer covered by section 1252 of this title or a com-  
14 missioned warrant officer) serving in a grade below briga-  
15 dier general, or rear admiral (lower half) in the case of  
16 an officer in the Navy, shall be retired on the first day  
17 of the month following the month in which the officer be-  
18 comes 62 years of age.

19 “(c) DEFERRED RETIREMENT OF HEALTH PROFES-  
20 SIONS OFFICERS.—(1) The Secretary of the military de-  
21 partment concerned may, subject to subsection (e), defer  
22 the retirement under subsection (b) of a health professions  
23 officer if during the period of the deferment the officer  
24 will be performing duties consisting primarily of providing  
25 patient care or performing other clinical duties.

1       “(2) For purposes of this subsection, a health profes-  
2       sions officer is—

3               “(A) a medical officer;

4               “(B) a dental officer; or

5               “(C) an officer in the Army Nurse Corps, an  
6       officer in the Navy Nurse Corps, or an officer in the  
7       Air Force designated as a nurse.

8       “(d) DEFERRED RETIREMENT OF CHAPLAINS.—The  
9       Secretary of the military department concerned may, sub-  
10      ject to subsection (e), defer the retirement under sub-  
11      section (b) of an officer who is appointed or designated  
12      as a chaplain if the Secretary determines that such defer-  
13      ral is in the best interest of the military department con-  
14      cerned.

15      “(e) LIMITATION ON DEFERRAL OF RETIRE-  
16      MENTS.—(1) Except as provided in paragraph (2), a  
17      deferment under subsection (c) or (d) may not extend be-  
18      yond the first day of the month following the month in  
19      which the officer becomes 68 years of age.

20      “(2) The Secretary of the military department con-  
21      cerned may extend a deferment under subsection (c) or  
22      (d) beyond the day referred to in paragraph (1) if the Sec-  
23      retary determines that extension of the deferment is nec-  
24      essary for the needs of the military department concerned.  
25      Such an extension shall be made on a case-by-case basis

1 and shall be for such period as the Secretary considers  
2 appropriate.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 at the beginning of chapter 63 of such title is amended  
5 by striking the item relating to section 1251 and inserting  
6 the following new item:

“1251. Regular commissioned officers; exceptions.”.

7 **SEC. 504. MODIFICATION OF AUTHORITIES ON SENIOR**  
8 **MEMBERS OF THE JUDGE ADVOCATE GEN-**  
9 **ERAL’S CORPS.**

10 (a) DEPARTMENT OF THE ARMY.—

11 (1) GRADE OF JUDGE ADVOCATE GENERAL.—  
12 Subsection (a) of section 3037 of title 10, United  
13 States Code, is amended by striking the third sen-  
14 tence and inserting the following new sentence: “The  
15 Judge Advocate General, while so serving, has the  
16 grade of lieutenant general.”.

17 (2) REDESIGNATION OF ASSISTANT JUDGE AD-  
18 VOCATE GENERAL AS DEPUTY JUDGE ADVOCATE  
19 GENERAL.—Such section is further amended—

20 (A) in subsection (a), by striking “Assist-  
21 ant Judge Advocate General” each place it ap-  
22 pears and inserting “Deputy Judge Advocate  
23 General”; and

1 (B) in subsection (d), by striking “Assist-  
2 ant Judge Advocate General” and inserting  
3 “Deputy Judge Advocate General”.

4 (3) CONFORMING AND CLERICAL AMEND-  
5 MENTS.—(A) The heading of such section is amend-  
6 ed by striking “**Assistant Judge Advocate**  
7 **General**” and inserting “**Deputy Judge Advo-**  
8 **cate General**”.

9 (B) The table of sections at the beginning of  
10 chapter 305 of such title is amended in the item re-  
11 lating to section 3037 by striking “Assistant Judge  
12 Advocate General” and inserting “Deputy Judge Ad-  
13 vocate General”.

14 (b) GRADE OF JUDGE ADVOCATE GENERAL OF THE  
15 NAVY.—Section 5148(b) of such title is amended in sub-  
16 section by striking the last sentence and inserting the fol-  
17 lowing new sentence: “The Judge Advocate General, while  
18 so serving, has the grade of vice admiral or lieutenant gen-  
19 eral, as appropriate.”.

20 (c) GRADE OF JUDGE ADVOCATE GENERAL OF THE  
21 AIR FORCE.—Section 8037(a) of such title is amended by  
22 striking the last sentence and inserting the following new  
23 sentence: “The Judge Advocate General, while so serving,  
24 has the grade of lieutenant general.”.

1 (d) EXCLUSION FROM ACTIVE-DUTY GENERAL AND  
 2 FLAG OFFICER STRENGTH AND DISTRIBUTION LIMITA-  
 3 TIONS.—Section 525(b) of such title is amended by adding  
 4 at the end the following new paragraph:

5 “(9) An officer while serving as the Judge Advocate  
 6 General of the Army, the Judge Advocate General of the  
 7 Navy, or the Judge Advocate General of the Air Force  
 8 is in addition to the number that would otherwise be per-  
 9 mitted for that officer’s armed force for officers serving  
 10 on active duty in grades above major general or rear admiral under paragraph (1) or (2), as applicable.”.

12 **SEC. 505. REQUIREMENT FOR SIGNIFICANT JOINT EXPERI-**  
 13 **ENCE FOR OFFICERS APPOINTED AS SUR-**  
 14 **GEON GENERAL OF THE ARMY, NAVY, AND**  
 15 **AIR FORCE.**

16 (a) RESTATEMENT AND STANDARDIZATION OF AU-  
 17 THORITIES ON SURGEON GENERAL OF THE ARMY.—

18 (1) IN GENERAL.—Chapter 305 of title 10,  
 19 United States Code, is amended by inserting after  
 20 section 3036 the following new section:

21 **“§ 3036a. Surgeon General: appointment; grade**

22 **“(a) SURGEON GENERAL.—**There is a Surgeon Gen-  
 23 eral of the Army who is appointed by the President, by  
 24 and with the advice and consent of the Senate, from offi-  
 25 cers in any corps of the Army Medical Department.

1       “(b) GRADE.—The Surgeon General, while so serv-  
2 ing, has the grade of lieutenant general.

3       “(c) TERM OF OFFICE.—An officer appointed as Sur-  
4 geon General normally holds office for four years.

5       “(d) JOINT EXPERIENCE REQUIRED FOR APPOINT-  
6 MENT.—(1) The Secretary of Defense may not rec-  
7 ommend an officer to the President for appointment as  
8 Surgeon General unless the officer is determined by the  
9 Chairman of the Joint Chiefs of Staff, in accordance with  
10 criteria and as a result of a process established by the  
11 Chairman, to have significant joint experience.

12       “(2) Until October 1, 2010, the Secretary of Defense  
13 may waive the limitation in paragraph (1) with respect  
14 to the recommendation of an officer as Surgeon General  
15 if—

16               “(A) the Secretary of the Army requests the  
17 waiver; and

18               “(B) in the judgment of the Secretary of De-  
19 fense—

20                       “(i) the officer is qualified for service as  
21 Surgeon General; and

22                       “(ii) the waiver is necessary for the good  
23 of the Army.

24       “(3) Any waiver under paragraph (2) shall be made  
25 on a case-by-case basis.”.

1           (2) CONFORMING AMENDMENT.—Section  
 2       3036(b) of such title is amended in the flush matter  
 3       following paragraph (2) by striking the second sen-  
 4       tence.

5           (3) CLERICAL AMENDMENT.—The table of sec-  
 6       tions at the beginning of chapter 305 of such title  
 7       is amended by inserting after the item relating to  
 8       section 3036 the following new item:

“3036a. Surgeon General: appointment; grade.”.

9           (b) SURGEON GENERAL OF THE NAVY.—

10          (1) IN GENERAL.—Section 5137 of such title is  
 11       amended—

12               (A) by redesignating subsection (b) as sub-  
 13       section (c); and

14               (B) by inserting after subsection (a) the  
 15       following new subsection (b):

16       “(b) JOINT EXPERIENCE REQUIRED FOR APPOINT-  
 17       MENT AS CHIEF.—(1) The Secretary of Defense may not  
 18       recommend an officer to the President for appointment  
 19       as Surgeon General unless the officer is determined by the  
 20       Chairman of the Joint Chiefs of Staff, in accordance with  
 21       criteria and as a result of a process established by the  
 22       Chairman, to have significant joint experience.

23       “(2) Until October 1, 2010, the Secretary of Defense  
 24       may waive the limitation in paragraph (1) with respect

1 to the recommendation of an officer as Surgeon General  
2 if—

3 “(A) the Secretary of the Navy requests the  
4 waiver; and

5 “(B) in the judgment of the Secretary of De-  
6 fense—

7 “(i) the officer is qualified for service as  
8 Surgeon General; and

9 “(ii) the waiver is necessary for the good  
10 of the Navy.

11 “(3) Any waiver under paragraph (2) shall be made  
12 on a case-by-case basis.”.

13 (2) TECHNICAL AMENDMENTS.—Such section is  
14 further amended—

15 (A) in subsection (a), by inserting  
16 “CHIEF.—” after “(a)”; and

17 (B) in subsection (c), as redesignated by  
18 paragraph (1)(A) of this subsection, by insert-  
19 ing “DEPUTY CHIEF.—” after “(c)”.

20 (c) SURGEON GENERAL OF THE AIR FORCE.—The  
21 text of section 8036 of such title is amended to read as  
22 follows:

23 “(a) SURGEON GENERAL.—There is a Surgeon Gen-  
24 eral of the Air Force who is appointed by the President,  
25 by and with the advice and consent of the Senate, from



1 officers of the Air Force who are in the Air Force medical  
2 department.

3 “(b) GRADE.—The Surgeon General, while so serv-  
4 ing, has the grade of lieutenant general.

5 “(c) JOINT EXPERIENCE REQUIRED FOR APPOINT-  
6 MENT.—(1) The Secretary of Defense may not rec-  
7 ommend an officer to the President for appointment as  
8 Surgeon General unless the officer is determined by the  
9 Chairman of the Joint Chiefs of Staff, in accordance with  
10 criteria and as a result of a process established by the  
11 Chairman, to have significant joint experience.

12 “(2) Until October 1, 2010, the Secretary of Defense  
13 may waive the limitation in paragraph (1) with respect  
14 to the recommendation of an officer as Surgeon General  
15 if—

16 “(A) the Secretary of the Air Force requests  
17 the waiver; and

18 “(B) in the judgment of the Secretary of De-  
19 fense—

20 “(i) the officer is qualified for service as  
21 Surgeon General; and

22 “(ii) the waiver is necessary for the good  
23 of the Air Force.

24 “(3) Any waiver under paragraph (2) shall be made  
25 on a case-by-case basis.”.

1 (d) EFFECTIVE DATE.—The amendments made by  
 2 this section shall take effect on October 1, 2008, and shall  
 3 apply with respect to appointments to the position of Sur-  
 4 geon General of the Army, Surgeon General of the Navy,  
 5 and Surgeon General of the Air Force that are made on  
 6 or after that date.

7 **SEC. 506. GRADE AND EXCLUSION FROM ACTIVE-DUTY GEN-**  
 8 **ERAL AND FLAG OFFICER DISTRIBUTION**  
 9 **AND STRENGTH LIMITATIONS OF OFFICER**  
 10 **SERVING AS ATTENDING PHYSICIAN TO THE**  
 11 **CONGRESS.**

12 (a) GRADE.—

13 (1) REGULAR OFFICER.—(A) Chapter 41 of  
 14 title 10, United States Code, is amended by adding  
 15 at the end the following new section:

16 **“§ 722. Attending Physician to the Congress: grade**

17 “A general officer serving as Attending Physician to  
 18 the Congress, while so serving, holds the grade of major  
 19 general. A flag officer serving as Attending Physician to  
 20 the Congress, while so serving, holds the grade of rear ad-  
 21 miral.”.

22 (B) The table of sections at the beginning of  
 23 such chapter is amended by adding at the end the  
 24 following new item:

“722. Attending Physician to the Congress: grade.”.

1           (2) RESERVE OFFICER.—(A) Section 12210 of  
 2       such title is amended by striking “who holds” and  
 3       all that follows and inserting “holds the reserve  
 4       grade of major general or rear admiral, as appro-  
 5       prium.”.

6           (B) The heading of such section is amended to  
 7       read as follows:

8       **“§ 12210. Attending Physician to the Congress: re-**  
 9       **serve grade”.**

10          (C) The table of sections at the beginning of  
 11       chapter 1205 of such title is amended by striking  
 12       the item relating to section 12210 and inserting the  
 13       following new item:

“12210. Attending Physician to the Congress: reserve grade.”.

14          (b) DISTRIBUTION LIMITATIONS.—Section 525 of  
 15       title 10, United States Code, is amended by adding at the  
 16       end the following new subsection:

17       “(f) An officer while serving as Attending Physician  
 18       to the Congress is in addition to the number that would  
 19       otherwise be permitted for that officer’s armed force for  
 20       officers serving on active duty in grades above brigadier  
 21       general or rear admiral (lower half) under subsection  
 22       (a).”.

23          (c) ACTIVE-DUTY STRENGTH LIMITATIONS.—Section  
 24       526 of such title is amended by adding at the end the  
 25       following new subsection:

1       “(f) EXCLUSION OF ATTENDING PHYSICIAN TO THE  
2 CONGRESS.—The limitations of this section do not apply  
3 to the general or flag officer who is serving as Attending  
4 Physician to the Congress.”.

5 **SEC. 507. DISCRETIONARY SEPARATION AND RETIREMENT**  
6 **OF CHIEF WARRANT OFFICERS, W-4, TWICE**  
7 **FAILING SELECTION FOR PROMOTION.**

8       (a) IN GENERAL.—Section 580(a) of title 10, United  
9 Stated Code, is amended—

10           (1) in paragraph (1), by inserting “, except as  
11 provided in paragraph (5),” after “shall”;

12           (2) by redesignating paragraphs (5) and (6) as  
13 paragraphs (6) and (7), respectively; and

14           (3) by inserting after paragraph (4) the fol-  
15 lowing new paragraph (5):

16       “(5) In the case of a warrant officer described in  
17 paragraph (1) who is in the grade of chief warrant officer,  
18 W-4, the retirement or separation of such member under  
19 this subsection shall be subject to the discretion of the  
20 Secretary concerned.”.

21       (b) ELIGIBILITY FOR PROMOTION.—Paragraph (6) of  
22 such section, as redesignated by subsection (a)(2) of this  
23 section, is further amended—

1 (1) by striking “A warrant officer” and insert-  
 2 ing “(A) Except as provided in subparagraph (B), a  
 3 warrant officer”; and

4 (2) by adding at the end the following new sub-  
 5 paragraph:

6 “(B) A warrant officer who is retained on active duty  
 7 pursuant to an exercise of the authority in paragraph (5)  
 8 is eligible for further consideration for promotion while re-  
 9 maining on active duty.”.

10 **SEC. 508. INCREASED MANDATORY RETIREMENT AGES FOR**  
 11 **RESERVE OFFICERS.**

12 (a) MAJOR GENERALS AND REAR ADMIRALS.—

13 (1) INCREASED AGE.—Section 14511 of title  
 14 10, United States Code, is amended by striking “62  
 15 years” and inserting “64 years”.

16 (2) CONFORMING AMENDMENT.—The heading  
 17 of such section is amended to read as follows:

18 **“§ 14511. Separation at age 64: major generals and**  
 19 **rear admirals”.**

20 (b) BRIGADIER GENERALS AND REAR ADMIRALS  
 21 (LOWER HALF).—

22 (1) INCREASED AGE.—Section 14510 of such  
 23 title is amended by striking “60 years” and insert-  
 24 ing “62 years”.

1 (2) CONFORMING AMENDMENT.—The heading  
2 of such section is amended to read as follows:

3 **“§ 14510. Separation at age 62: brigadier generals and**  
4 **rear admirals (lower half)”.**

5 (c) OFFICERS BELOW BRIGADIER GENERAL OR  
6 REAR ADMIRAL (LOWER HALF).—

7 (1) INCREASED AGE.—Section 14509 of such  
8 title is amended by striking “60 years” and insert-  
9 ing “62 years”.

10 (2) CONFORMING AMENDMENT.—The heading  
11 of such section is amended to read as follows:

12 **“§ 14509. Separation at age 62: reserve officers in**  
13 **grades below brigadier general or rear**  
14 **admiral (lower half)”.**

15 (d) CERTAIN OTHER OFFICERS.—

16 (1) INCREASED AGE.—Section 14512 of such  
17 title is amended by striking “64 years” both places  
18 it appears and inserting “66 years”.

19 (2) CONFORMING AMENDMENT.—The heading  
20 of such section is amended to read as follows:

21 **“§ 14512. Separation at age 66: officers holding cer-**  
22 **tain offices”.**

23 (e) CONFORMING AMENDMENTS.—Section 14508 of  
24 such title is amended—

1 (1) in subsection (c), by striking “60 years”  
 2 and inserting “62 years”; and

3 (2) in subsection (d), by striking “62 years”  
 4 and inserting “64 years”.

5 (f) CLERICAL AMENDMENT.—The table of sections at  
 6 the beginning of chapter 1407 of such title is amended  
 7 by striking the items relating to sections 14509, 14510,  
 8 14511, and 14512 and inserting the following new items:

“14509. Separation at age 62: reserve officers in grades below brigadier general  
 or rear admiral (lower half).

“14510. Separation at age 62: brigadier generals and rear admirals (lower half).

“14511. Separation at age 64: major generals and rear admirals.

“14512. Separation at age 66: officers holding certain offices.”.

## 9 **Part II—Officer Promotion Policy**

### 10 **SEC. 515. PROMOTIONS.**

11 (a) OFFICERS ON ACTIVE-DUTY LIST.—

12 (1) CLARIFICATION OF APPROVAL OF SELEC-  
 13 TION BOARD REPORTS.—Subsection (a)(1) of section  
 14 624 of title 10, United States Code, is amended by  
 15 inserting “or a delegate of the President” after “the  
 16 President”.

17 (2) DATE OF ESTABLISHMENT OF PROMOTION  
 18 LIST.—Such subsection is further amended by add-  
 19 ing at the end the following new sentence: “For pro-  
 20 motions that occur by and with the advice and con-  
 21 sent of the Senate, a promotion list shall be treated  
 22 as being established for purposes of this chapter on

the date on which the list is received by the Senate for consideration.”.

(3) UNIFORM PROCEDURES FOR DELAYS OF APPOINTMENT UPON PROMOTION.—Subsection (d) of such section is amended—

(A) in paragraph (1), by striking “prescribed by the Secretary concerned” and inserting “prescribed by the Secretary of Defense”; and

(B) in paragraph (2), by striking “prescribed by the Secretary concerned” and inserting “prescribed by the Secretary of Defense”.

(4) ADDITIONAL BASIS FOR DELAY OF APPOINTMENT.—Subsection (d)(1) of such section is further amended—

(A) in subparagraph (C), by striking “or” at the end;

(B) in subparagraph (D), by striking the period at the end and inserting “; or”;

(C) by inserting after subparagraph (D) the following new subparagraph (E):

“(E) substantiated adverse information about the officer that is material to the decision to appoint the officer is under review by the Secretary of Defense or the Secretary concerned.”; and



(D) in the flush matter following subparagraph (E), as inserted by subparagraph (C) of this paragraph—

(i) by striking “or if the officer is acquitted” and inserting “if the officer is acquitted”; and

(ii) by inserting after “brought against him,” the following: “or if after a review of substantiated adverse information about the officer regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion,”.

(5) ADDITIONAL BASIS FOR DELAY IN APPOINTMENT FOR LACK OF QUALIFICATIONS.—Subsection (d)(2) of such section is further amended—

(A) in the first sentence, by inserting before “is mentally, physically,” the following: “has not met the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, or”; and

(B) in the second sentence, by striking “If the Secretary concerned later determines that

1           the officer is qualified for promotion to such  
 2           grade” and inserting “If it is later determined  
 3           by a civilian official of the Department of De-  
 4           fense (not below the level of Secretary of a mili-  
 5           tary department) that the officer is qualified for  
 6           promotion to such grade and, after a review of  
 7           adverse information regarding the requirement  
 8           for exemplary conduct set forth in section 3583,  
 9           5947, or 8583 of this title, as applicable, the of-  
 10          ficer is determined to be among the officers  
 11          best qualified for promotion to such grade”.

12          (b) OFFICERS ON RESERVE ACTIVE-STATUS LIST.—

13           (1) CLARIFICATION OF APPROVAL OF SELEC-  
 14          TION BOARD REPORTS.—Subsection (a) of section  
 15          14308 of title 10, United States Code, is amended  
 16          by inserting “or a delegate of the President” after  
 17          “the President”.

18           (2) DATE OF ESTABLISHMENT OF PROMOTION  
 19          LIST.—Such subsection is further amended by add-  
 20          ing at the end the following new sentence: “For pro-  
 21          motions that occur by and with the advice and con-  
 22          sent of the Senate, a promotion list shall be treated  
 23          as being established for purposes of this chapter on  
 24          the date on which the list is received by the Senate  
 25          for consideration.”.

1           (3) UNIFORM PROCEDURES FOR DELAYS OF AP-  
 2           POINTMENT UPON PROMOTION.—Section 14311 of  
 3           such title is amended—

4                   (A) in subsection (a)(1), by striking “Sec-  
 5           retary of the military department concerned”  
 6           and inserting “Secretary of Defense”; and

7                   (B) in subsection (b), by striking “Sec-  
 8           retary of the military department concerned”  
 9           and inserting “Secretary of Defense”.

10          (4) ADDITIONAL BASIS FOR ORIGINAL DELAY  
 11          OF APPOINTMENT.—Section 14311(a) of such title is  
 12          further amended—

13                   (A) in paragraph (1), by adding at the end  
 14           the following new subparagraph:

15                   “(E) Substantiated adverse information about  
 16           the officer that is material to the decision to appoint  
 17           the officer is under review by the Secretary of De-  
 18           fense or the Secretary concerned.”; and

19                   (B) in paragraph (2)—

20                           (i) by striking “or if the officer is ac-  
 21                           quitted” and inserting “if the officer is ac-  
 22                           quitted”; and

23                           (ii) by inserting after “brought  
 24                           against him,” the following: “or if after a  
 25                           review of substantiated adverse informa-

tion about the officer regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion.”.

(5) ADDITIONAL BASIS FOR DELAY IN APPOINTMENT FOR LACK OF QUALIFICATIONS.—Section 14311(b) of such section is further amended—

(A) in the first sentence, by inserting before “is mentally, physically,” the following: “has not met the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, or”; and

(B) in the second sentence, by striking “If the Secretary concerned later determines that the officer is qualified for promotion to the higher grade” and inserting “If it is later determined by a civilian official of the Department of Defense (not below the level of Secretary of a military department) that the officer is qualified for promotion to the higher grade and, after a review of adverse information regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as

1 applicable, the officer is determined to be  
 2 among the officers best qualified for promotion  
 3 to the higher grade”.

4 (c) DEADLINE FOR UNIFORM REGULATIONS ON  
 5 DELAY OF PROMOTIONS.—The Secretary of Defense shall  
 6 prescribe the regulations required by section 624(d) of  
 7 title 10, United States Code (as amended by subsection  
 8 (a)(3) of this section), and the regulations required by sec-  
 9 tion 14311 of title 10, United States Code (as amended  
 10 by subsection (b)(3) of this section), not later than March  
 11 1, 2008.

12 (d) EFFECTIVE DATE.—The amendments made by  
 13 this section shall take effect on the date of the enactment  
 14 of this Act, and shall apply with respect to officers on pro-  
 15 motion lists established on or after that date.

16 **SEC. 516. CONSIDERATION OF ADVERSE INFORMATION BY**  
 17 **PROMOTION SELECTION BOARDS IN REC-**  
 18 **COMMENDATIONS ON OFFICERS TO BE PRO-**  
 19 **MOTED.**

20 (a) OFFICERS ON ACTIVE-DUTY LIST.—Section  
 21 616(c) of title 10, United States Code, is amended—

22 (1) in paragraph (1), by striking “and” at the  
 23 end;

24 (2) in paragraph (2), by striking the period at  
 25 the end and inserting “; and”; and

1           (3) by adding at the end the following new  
2 paragraph:

3           “(3) a majority of the members of the board,  
4 after consideration by all members of the board of  
5 any adverse information about the officer that is  
6 provided to the board under section 615 of this title,  
7 finds that the officer is among the officers best  
8 qualified for promotion to meet the needs of the  
9 armed force concerned consistent with the require-  
10 ment of exemplary conduct set forth in section 3583,  
11 5947, or 8583 of this title, as applicable.”.

12       (b) OFFICERS ON RESERVE-ACTIVE STATUS LIST.—  
13 Section 14108(b) of such title is amended—

14           (1) in the heading, by striking “MAJORITY RE-  
15 QUIRED” and inserting “ACTIONS REQUIRED”;

16           (2) in paragraph (1), by striking “and” at the  
17 end;

18           (3) in paragraph (2), by striking the period at  
19 the end and inserting “; and”; and

20           (4) by adding at the end the following new  
21 paragraph:

22           “(3) a majority of the members of the board,  
23 after consideration by all members of the board of  
24 any adverse information about the officer that is  
25 provided to the board under section 14107 of this

1 title, finds that the officer is among the officers best  
 2 qualified for promotion to meet the needs of the  
 3 armed force concerned consistent with the require-  
 4 ment of exemplary conduct set forth in section 3583,  
 5 5947, or 8583 of this title, as applicable.”.

6 (c) EFFECTIVE DATE.—The amendments made by  
 7 this section shall take effect on the date of the enactment  
 8 of this Act, and shall apply with respect to promotion se-  
 9 lection boards convened on or after that date.

10 **SEC. 517. EXPANDED AUTHORITY FOR REMOVAL FROM RE-**  
 11 **PORTS OF SELECTION BOARDS OF OFFICERS**  
 12 **RECOMMENDED FOR PROMOTION TO**  
 13 **GRADES BELOW GENERAL AND FLAG**  
 14 **GRADES.**

15 (a) OFFICERS ON ACTIVE-DUTY LIST.—Section  
 16 618(d) of title 10, United States Code, is amended—

17 (1) by striking “The name” and inserting “(1)  
 18 Except as provided in paragraph (2), the name”;  
 19 and

20 (2) by adding at the end the following new  
 21 paragraph:

22 “(2) In the case of an officer recommended by a se-  
 23 lection board for promotion to a grade below brigadier  
 24 general or rear admiral (lower half), the name of the offi-  
 25 cer may also be removed from the report of the selection

1 board by the Secretary of Defense or the Deputy Secretary  
2 of Defense.”.

3 (b) OFFICERS ON RESERVE-ACTIVE STATUS LIST.—  
4 Section 14111(b) of such title is amended—

5 (1) by striking “The name” and inserting “(1)  
6 Except as provided in paragraph (2), the name”;  
7 and

8 (2) by adding at the end the following new  
9 paragraph:

10 “(2) In the case of an officer recommended by a se-  
11 lection board for promotion to a grade below brigadier  
12 general or rear admiral (lower half), the name of the offi-  
13 cer may also be removed from the report of the selection  
14 board by the Secretary of Defense or the Deputy Secretary  
15 of Defense.”.

16 (c) EFFECTIVE DATE.—The amendments made by  
17 this section shall take effect on the date of the enactment  
18 of this Act, and shall apply with respect to promotion se-  
19 lection boards convened on or after that date.

20 **SEC. 518. CLARIFICATION OF NONDISCLOSURE REQUIRE-**  
21 **MENTS APPLICABLE TO PROMOTION SELEC-**  
22 **TION BOARD PROCEEDINGS.**

23 (a) SELECTION BOARD PROCEEDINGS FOR ACTIVE  
24 DUTY OFFICERS.—Subsection (f) of section 618 of title  
25 10, United States Code, is amended to read as follows:



1       “(f)(1) Proceedings of a selection board convened  
2 under section 611 of this title shall not be disclosed to  
3 any person not a member of the board.

4       “(2) Discussions and deliberations of a selection  
5 board described in paragraph (1), and any written or doc-  
6 umentary records thereof, shall—

7               “(A) be immune from legal process;

8               “(B) not be admitted as evidence; and

9               “(C) not be used for any purpose in any action,  
10 suit, or judicial or administrative proceeding without  
11 the consent of the Secretary of the military depart-  
12 ment concerned.”.

13       (b) SELECTION BOARD PROCEEDINGS FOR RESERVE  
14 OFFICERS.—

15               (1) IN GENERAL.—Section 14104 of such title  
16 is amended to read as follows:

17       **“§ 14104. Nondisclosure of board proceedings**

18       “(a) IN GENERAL.—The proceedings of a selection  
19 board convened under section 14101 of this title shall not  
20 be disclosed to any person not a member of the board.

21       “(b) DISCUSSIONS AND DELIBERATIONS.—Discus-  
22 sions and deliberations of a selection board described in  
23 subsection (a), and any written or documentary records  
24 thereof, shall—

25               “(1) be immune from legal process;

1 “(2) not be admitted as evidence; and

2 “(3) not be used for any purpose in any action,  
3 suit, or judicial or administrative proceeding without  
4 the consent of the Secretary of the military depart-  
5 ment concerned.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-  
7 tions at the beginning of chapter 1403 of such title  
8 is amended by striking the item relating to section  
9 14104 and inserting the following new item:

“14104. Nondisclosure of board proceedings.”.

10 (c) EFFECTIVE DATE.—The amendments made by  
11 this section shall take effect on the date of the enactment  
12 of this Act, and shall apply with respect to the proceedings  
13 of any promotion selection board, whether convened be-  
14 fore, on, or after such date.

15 **SEC. 519. SPECIAL SELECTION BOARD AUTHORITIES.**

16 (a) OFFICERS ON ACTIVE-DUTY LIST.—

17 (1) BOARDS FOR ADMINISTRATIVE ERROR  
18 AVAILABLE ONLY TO OFFICERS IN OR ABOVE PRO-  
19 MOTION ZONE.—Subsection (a)(1) of section 628 of  
20 title 10, United States Code, is amended by insert-  
21 ing “from in or above the promotion zone” after  
22 “for selection for promotion”.

23 (2) ACTIONS TREATABLE AS MATERIAL UNFAIR-  
24 NESS.—Subsection (b)(1)(A) of such section is

1 amended by inserting “in a matter material to the  
2 decision of the board” after “contrary to law”.

3 (b) OFFICERS ON RESERVE ACTIVE-STATUS LIST.—  
4 Section 14502(b)(1)(A) of such title is amended by insert-  
5 ing “in a matter material to the decision of the board”  
6 after “contrary to law”.

7 (c) EFFECTIVE DATE.—The amendments made by  
8 this section shall take effect on March 1, 2007, and shall  
9 apply with respect to promotion selection boards convened  
10 on or after that date.

11 **SEC. 520. REMOVAL FROM PROMOTION LISTS OF OFFICERS**  
12 **RETURNED TO THE PRESIDENT BY THE SEN-**  
13 **ATE.**

14 (a) OFFICERS ON ACTIVE-DUTY LIST.—

15 (1) CLARIFICATION OF REMOVAL AUTHORITY.—  
16 Subsection (a) of section 629 of title 10, United  
17 States Code, is amended by inserting “or a delegee  
18 of the President” after “The President”.

19 (2) REMOVAL FOLLOWING RETURN.—Such sec-  
20 tion is further amended—

21 (A) by redesignating subsection (c) as sub-  
22 section (d);

23 (B) by inserting after subsection (b) the  
24 following new subsection (c):

1       “(c)(1) If an officer or group of officers on a list of  
2 officers approved for promotion by the President and sub-  
3 mitted to the Senate for consideration is returned by the  
4 Senate to the President pursuant to the rules and proce-  
5 dures of the Senate, the officer or group of officers, as  
6 the case may be, shall automatically be removed from the  
7 list at the end of the 365-day period beginning on the date  
8 of such return.

9       “(2) Prior to the end of the 365-day period referred  
10 to in paragraph (1), the President may extend by an addi-  
11 tional 365 days the period specified in that paragraph for  
12 the removal of an officer or group of officers from a list  
13 of officers approved for promotion by the President.

14       “(3) The President may, during the period specified  
15 in paragraph (1), as extended (if at all) under paragraph  
16 (2), resubmit to the Senate any officer or group of officers  
17 removed under paragraph (1) from a list of officers ap-  
18 proved for promotion by the President.

19       “(4) If an officer or group of officers resubmitted to  
20 the Senate under paragraph (3) is returned by the Senate  
21 to the President pursuant to the rules and procedures of  
22 the Senate, the officer or group of officers, as the case  
23 may be, shall automatically be removed from the list of  
24 officers approved for promotion by the President.”; and

1 (C) in paragraph (1) of subsection (d), as  
 2 redesignated by paragraph (1) of this sub-  
 3 section, by striking “or (b)” and inserting “(b),  
 4 or (c)”.

5 (b) OFFICERS ON RESERVE ACTIVE STATUS LIST.—

6 (1) CLARIFICATION OF REMOVAL AUTHORITY.—

7 Subsection (a) of section 14310 of such title is  
 8 amended by inserting “or a delegee of the Presi-  
 9 dent” after “The President”.

10 (2) REMOVAL FOLLOWING RETURN.—Such sec-  
 11 tion is further amended—

12 (A) by redesignating subsection (c) as sub-  
 13 section (d);

14 (B) by inserting after subsection (b) the  
 15 following new subsection (c):

16 “(c) REMOVAL FOLLOWING RETURN BY THE SEN-  
 17 ATE TO THE PRESIDENT.—(1) If an officer or group of  
 18 officers on a list of officers approved for promotion by the  
 19 President and submitted to the Senate for consideration  
 20 is returned by the Senate to the President pursuant to  
 21 the rules and procedures of the Senate, the officer or  
 22 group of officers, as the case may be, shall automatically  
 23 be removed from the list at the end of the 365-day period  
 24 beginning on the date of such return.

1       “(2) Prior to the end of the 365-day period referred  
 2 to in paragraph (1), the President may extend by an addi-  
 3 tional 365 days the period specified in that paragraph for  
 4 the removal of an officer or group of officers from a list  
 5 of officers approved for promotion by the President.

6       “(3) The President may, during the period specified  
 7 in paragraph (1), as extended (if at all) under paragraph  
 8 (2), resubmit to the Senate any officer or group of officers  
 9 removed under paragraph (1) from a list of officers ap-  
 10 proved for promotion by the President.

11       “(4) If an officer or group of officers resubmitted to  
 12 the Senate under paragraph (3) is returned by the Senate  
 13 to the President pursuant to the rules and procedures of  
 14 the Senate, the officer or group of officers, as the case  
 15 may be, shall automatically be removed from the list of  
 16 officers approved for promotion by the President.”; and

17               (C) in subsection (d), as redesignated by  
 18 paragraph (1) of this subsection, by striking  
 19 “or (b)” and inserting “(b), or (c)”.

20       (c) EFFECTIVE DATE.—

21               (1) IN GENERAL.—The amendments made by  
 22 this section shall take effect on January 1, 2007.

23               (2) APPLICABILITY TO CERTAIN OFFICERS.—  
 24 The amendments made by this section shall not  
 25 apply to any officer on the active-duty list or reserve

1 active status list whose name is on a promotion list  
 2 or report of a selection board on the date of the en-  
 3 actment of this Act. Any officer whose name is on  
 4 a promotion list as of the date of the enactment of  
 5 this Act following the return of the officer's nomina-  
 6 tion to the President by the Senate and who is eligi-  
 7 ble as of that date for retirement for years of service  
 8 shall be retired not later than October 1, 2008.

9 **Part III—Joint Officer Management Requirements**

10 **SEC. 526. MODIFICATION AND ENHANCEMENT OF GENERAL**  
 11 **AUTHORITIES ON MANAGEMENT OF JOINT**  
 12 **QUALIFIED OFFICERS.**

13 (a) REDESIGNATION OF APPLICABILITY OF POLICIES  
 14 TOWARD JOINT QUALIFICATION.—Subsection (a) of sec-  
 15 tion 661 of title 10, United States Code, is amended by  
 16 striking the last sentence and inserting the following new  
 17 sentence: “For purposes of this chapter, officers to be  
 18 managed by such policies, procedures, and practices are  
 19 referred to as ‘joint qualified’.”.

20 (b) NUMBERS AND DESIGNATION.—Subsection (b) of  
 21 such section is amended—

22 (1) in the heading, by striking “SELECTION”  
 23 and inserting “DESIGNATION”;

1           (2) in paragraph (1), by striking “of officers  
2       with the joint specialty” and inserting “and levels of  
3       joint qualified officers”;

4           (3) in paragraph (2)—

5               (A) by striking “selected for the joint spe-  
6       cialty” and inserting “designated as joint quali-  
7       fied officers”; and

8               (B) by striking the second and third sen-  
9       tences and inserting the following new sentence:  
10      “Officers considered for joint qualification  
11      shall—

12      “(A) meet criteria prescribed by the Secretary  
13      of Defense; and

14      “(B) be those officers who are serving in the  
15      grade of captain or, in the case of the Navy, lieuten-  
16      ant, or a higher grade.”; and

17           (4) in paragraph (3)—

18               (A) by striking “select officers for the joint  
19       specialty” and inserting “designate officers as  
20       joint qualified officers”; and

21               (B) by striking “the Deputy Secretary of  
22       Defense” and inserting “the Under Secretary of  
23       Defense for Personnel and Readiness”.



1       (c) EDUCATION AND EXPERIENCE REQUIRE-  
2 MENTS.—Subsection (c) of such section is amended to  
3 read as follows:

4       “(c) EDUCATION AND EXPERIENCE REQUIRE-  
5 MENTS.—(1) An officer may not be designated as a joint  
6 qualified officer until the officer—

7           “(A)(i) successfully completes an appropriate  
8 program at a joint professional military education  
9 school; and

10          “(ii) successfully completes a full tour of duty  
11 in a joint duty assignment (as described in section  
12 664(f) of this title (other than in paragraph (2) of  
13 such section)); or

14          “(B) under regulations and policy prescribed by  
15 the Secretary of Defense, successfully demonstrates  
16 a mastery of knowledge, skills, and abilities in joint  
17 matters.

18       “(2)(A) In the case of an officer who has completed  
19 two full tours of duty in a joint duty assignment (as de-  
20 scribed in section 664(f) of this title) and demonstrates  
21 a mastery of knowledge, skills, and abilities on joint mat-  
22 ters, the Secretary of Defense may waive the requirement  
23 that the officer have successfully completed a program of  
24 education referred to in paragraph (1)(A)(i) if the Sec-  
25 retary determines that the types of joint duty experiences

1 completed by the officer have been of sufficient breadth  
2 to prepare the officer adequately for the highest level of  
3 joint qualification.

4 “(B) The authority of the Secretary of Defense to  
5 grant a waiver under subparagraph (A) may be delegated  
6 only to the Under Secretary of Defense for Personnel and  
7 Readiness.

8 “(C)(i) A waiver under subparagraph (A) may be  
9 granted only on a case-by-case basis.

10 “(ii) A waiver under subparagraph (A) may be grant-  
11 ed only under circumstances justifying variation from the  
12 requirements of paragraph (1) for designation of an offi-  
13 cer for the highest level of joint qualification as specified  
14 by the Secretary of Defense.

15 “(iii) In the case of a general or flag officer, a waiver  
16 under subparagraph (A) may be granted only under cir-  
17 cumstances described in clause (ii) and circumstances in  
18 which the waiver is necessary to meet a critical need of  
19 the armed forces, as determined by the Chairman of the  
20 Joint Chiefs of Staff.

21 “(iv) In the case of officers in grades below brigadier  
22 general or rear admiral (lower half), the total number of  
23 waivers granted under subparagraph (A) for officers in the  
24 same pay grade during a fiscal year may not exceed 10  
25 percent of the total number of officers in that pay grade

1 selected for the highest level of joint qualification during  
2 that fiscal year.

3 “(D) There may not be more than 32 general and  
4 flag officers on active duty at the same time who were  
5 selected for the joint specialty or highest level of joint  
6 qualification while holding a general or flag officer grade  
7 and for whom a waiver was granted under subparagraph  
8 (A).”.

9 (d) NUMBER OF JOINT DUTY ASSIGNMENTS.—Sub-  
10 section (d) of such section is amended to read as follows:

11 “(d) NUMBER OF JOINT DUTY ASSIGNMENTS.—(1)  
12 The Secretary of Defense shall ensure that approximately  
13 one-half of the joint duty assignment positions in grades  
14 above major or, in the case of the Navy, lieutenant com-  
15 mander are filled at any time by officers who have the  
16 highest level of joint qualification.

17 “(2) The Secretary of Defense, with the advice of the  
18 Chairman of the Joint Chiefs of Staff, shall designate an  
19 appropriate number of joint duty assignment positions as  
20 critical joint duty assignment positions. A position may  
21 be designated as a critical joint duty assignment position  
22 only if the duties and responsibilities of the position make  
23 it important that the occupant be particularly trained in,  
24 and oriented toward, joint matters.

1       “(3)(A) Except as provided in subparagraph (B), a  
2 position designated under paragraph (2) may be held only  
3 by an officer who has the highest level of joint qualifica-  
4 tion.

5       “(B) The Secretary of Defense may waive the re-  
6 quirement in subparagraph (A) with respect to the assign-  
7 ment of an officer to a position designated under para-  
8 graph (1). Any such waiver shall be granted on a case-  
9 by-case basis. The authority of the Secretary to grant such  
10 a waiver may be delegated only to the Chairman of the  
11 Joint Chiefs of Staff.

12       “(4) The Secretary of Defense shall ensure that, of  
13 those joint duty assignment positions that are filled by  
14 general or flag officers, a substantial portion are among  
15 those positions that are designated under paragraph (2)  
16 as critical joint duty assignment positions.”.

17       (e) CAREER GUIDELINES.—Subsection (e) of such  
18 section is amended by striking “officers with the joint spe-  
19 cialty” and inserting “officers who are joint qualified offi-  
20 cers”.

21       (f) TREATMENT OF CERTAIN SERVICE.—Subsection  
22 (f) of such section is amended by striking “(including sec-  
23 tion 619(e)(1) of this title)”.

24       (g) CLERICAL AMENDMENT.—The table of sections  
25 at the beginning of chapter 38 of such title is amended

1 by striking the item relating to section 661 and inserting  
 2 the following new item:

“661. Management policies for joint qualified officers.”.

3 **SEC. 527. MODIFICATION OF PROMOTION POLICY OBJEC-**  
 4 **TIVES FOR JOINT OFFICERS.**

5 Section 662(a) of title 10, United States Code, is  
 6 amended—

7 (1) in paragraph (1), by inserting “and” after  
 8 the semicolon; and

9 (2) by striking paragraphs (2) and (3) and in-  
 10 serting the following new paragraph (2):

11 “(2) officers who are serving in or have served  
 12 in joint duty assignments are expected, as a group,  
 13 to be promoted to the next higher grade at a rate  
 14 not less than the rate for all officers of the same  
 15 armed force in the same grade and competitive cat-  
 16 egory.”.

17 **SEC. 528. APPLICABILITY OF JOINT DUTY ASSIGNMENT RE-**  
 18 **QUIREMENTS LIMITED TO GRADUATES OF**  
 19 **NATIONAL DEFENSE UNIVERSITY SCHOOLS.**

20 (a) APPLICABILITY.—Section 663 of title 10, United  
 21 States Code, is amended—

22 (1) in subsection (a), by striking “a joint pro-  
 23 fessional military education school” and inserting “a  
 24 school within the National Defense University”; and

25 (2) in subsection (b)—

1 (A) in paragraph (1), by striking “a joint  
 2 professional military education school” and in-  
 3 serting “a school within the National Defense  
 4 University”; and

5 (B) in paragraph (2), by striking “a joint  
 6 professional military education school” and in-  
 7 serting “a school referred to in paragraph (1)”.

8 (b) DEFINITION.—Such section is further amended  
 9 by adding at the end the following new subsection:

10 “(c) SCHOOL WITHIN THE NATIONAL DEFENSE UNI-  
 11 VERSITY.—For purposes of this section, a school within  
 12 the National Defense University includes a school as fol-  
 13 lows:

14 “(1) The National War College.

15 “(2) The Industrial College of the Armed  
 16 Forces.

17 “(3) The Joint Advanced Warfighting School.

18 “(4) The Joint Forces Staff College.”.

19 **SEC. 529. MODIFICATION OF DEFINITIONS RELATING TO**  
 20 **JOINTNESS.**

21 (a) MODIFICATION OF DEFINITION OF “JOINT MAT-  
 22 TERS”.—Subsection (a) of section 668 of title 10, United  
 23 States Code, is amended to read as follows:

24 “(a) JOINT MATTERS.—In this chapter, the term  
 25 ‘joint matters’ means matters involving the integrated use

1 of military forces relating to national military strategy,  
 2 strategic and contingency planning, and command and  
 3 control of operations under unified command that may be  
 4 conducted under unified action on land, sea, or air, in  
 5 space, or in the information environment with participants  
 6 from multiple armed forces, the armed forces and other  
 7 departments and agencies of the United States Govern-  
 8 ment, the armed forces and the military forces or agencies  
 9 of other countries, the armed forces and non-governmental  
 10 persons or entities, or any combination thereof.”.

11 (b) MODIFICATION OF DEFINITION OF “JOINT DUTY  
 12 ASSIGNMENT”.—Paragraph (1) of subsection (b) of such  
 13 section is amended by striking “and shall exclude” and  
 14 all that follows and inserting a period.

15 (c) RESTATEMENT OF DEFINITION OF “CRITICAL  
 16 OCCUPATIONAL SPECIALTY”.—

17 (1) IN GENERAL.—Section 668 of such title is  
 18 further amended by adding at the end the following  
 19 new subsection:

20 “(d) CRITICAL OCCUPATIONAL SPECIALTY.—In this  
 21 chapter, the term ‘critical occupational specialty’ means  
 22 a military occupational specialty within a combat arm of  
 23 the Army, or an equivalent arm of the Navy, Air Force,  
 24 and Marine Corps, that is designated by the Secretary of  
 25 Defense as a critical occupational specialty because such

1 combat arm is experiencing a severe shortage of trained  
2 officers in that military occupational specialty.”.

3 (2) CONFORMING AMENDMENTS.—The fol-  
4 lowing provisions of such title are each amended by  
5 striking “under section 661(c)(2) of this title”:

6 (A) Section 664(c)(2).

7 (B) Section 667(3).

## 8 **Subtitle B—Reserve Component** 9 **Personnel Matters**

### 10 **SEC. 531. ENHANCED FLEXIBILITY IN THE MANAGEMENT** 11 **OF RESERVE COMPONENT PERSONNEL.**

12 (a) CLARIFICATION OF DEFINITION OF “ACTIVE  
13 GUARD AND RESERVE DUTY” UNDER TITLE 10, UNITED  
14 STATES CODE.—Section 101(d)(6)(A) of title 10, United  
15 States Code, is amended—

16 (1) by striking “or full-time National Guard  
17 duty” the first place it appears;

18 (2) by striking “to active duty or” and inserting  
19 “to”;

20 (3) by striking “Guard, pursuant” and insert-  
21 ing “Guard pursuant”; and

22 (4) by inserting a comma before “for a period”.

23 (b) EXPANSION OF ACTIVE GUARD AND RESERVE  
24 DUTY TO INCLUDE SUPPORT OF RESERVE COMPONENT  
25 OPERATIONS AND ADDITIONAL INSTRUCTION AND TRAIN-



1 ING.—Section 12310 of title 10, United States Code, is  
2 amended—

3 (1) by redesignating subsections (c) and (d) as  
4 subsections (d) and (e), respectively;

5 (2) by striking subsections (a) and (b) and in-  
6 serting the following new subsections:

7 “(a) ACTIVE GUARD AND RESERVE DUTY.—The Sec-  
8 retary concerned may order a Reserve ordered to or re-  
9 tained on active duty under section 12301(d) of this title  
10 to perform active Guard and Reserve duty.

11 “(b) ADDITIONAL DUTIES.—A Reserve on active  
12 duty as described in subsection (a) who is performing ac-  
13 tive Guard and Reserve duty pursuant to an order under  
14 that subsection may be assigned additional duties (to the  
15 extent such duties do not interfere with the performance  
16 by the Reserve of active Guard and Reserve duty under  
17 that subsection) as follows:

18 “(1) Supporting operations or missions as-  
19 signed in whole or in part to the reserve compo-  
20 nents.

21 “(2) Supporting operations or missions per-  
22 formed or to be performed by—

23 “(A) a unit composed of elements from  
24 more than one component of the same armed  
25 force; or

1 “(B) a joint forces unit that includes—

2 “(i) one or more reserve component  
3 units; or

4 “(ii) a member of a reserve compo-  
5 nent whose reserve component assignment  
6 is in a position in an element of the joint  
7 forces unit.

8 “(3) Advising the Secretary of Defense, the  
9 Secretaries of the military departments, the Joint  
10 Chiefs of Staff, and the commanders of the combat-  
11 ant commands on reserve component matters.

12 “(4) Instructing or training members of the  
13 armed forces on active duty, members of foreign  
14 military forces (under authorities and limitations ap-  
15 plicable to the provision of such instruction or train-  
16 ing by members of the armed forces on active duty),  
17 Department of Defense contractor personnel, and  
18 Department of Defense civilian employees.

19 “(c) GRADE WHEN ORDERED TO ACTIVE DUTY.—  
20 A Reserve ordered to active duty under subsection (a)  
21 shall be ordered in his reserve grade. While so serving,  
22 he continues to be eligible for promotion as a Reserve, if  
23 he is otherwise qualified.”; and

24 (3) in paragraph (1) of subsection (d), as so re-  
25 designated—

1 (A) by striking “Notwithstanding sub-  
 2 section (b), a Reserve” and inserting “A Re-  
 3 serve”; and

4 (B) by striking “functions” and inserting  
 5 “duty”.

6 (c) EXPANSION OF DUTIES OF MILITARY TECHNI-  
 7 CIANS (DUAL STATUS).—

8 (1) GENERAL DUTIES.—Section 10216(a)(1)(C)  
 9 of such title is amended by striking “administration  
 10 and” and inserting “organizing, administering, in-  
 11 structing, or”.

12 (2) SUPPORT OF RESERVE COMPONENT OPER-  
 13 ATIONS AND ADDITIONAL INSTRUCTION AND TRAIN-  
 14 ING.—Chapter 1007 of such title is amended by in-  
 15 serting after section 10216 the following new sec-  
 16 tion:

17 **“§ 10216a. Military technicians (dual status): addi-**  
 18 **tional duties**

19 “A military technician (dual status) who is employed  
 20 under section 3101 of title 5 may perform additional du-  
 21 ties (to the extent such duties do not interfere with the  
 22 performance by the military technician of duties assigned  
 23 under section 10216(a)(1)(C) of this title) as follows:

1           “(1) Supporting operations or missions as-  
 2           signed in whole or in part to the military techni-  
 3           cian’s unit.

4           “(2) Supporting operations or missions per-  
 5           formed or to be performed by—

6                   “(A) a unit composed of elements from  
 7                   more than one component of the military tech-  
 8                   nician’s armed force; or

9                   “(B) a joint forces unit that includes—

10                           “(i) one or more units of the military  
 11                           technician’s reserve component; or

12                           “(ii) a member of the military techni-  
 13                           cian’s reserve component whose reserve  
 14                           component assignment is in a position in  
 15                           an element of the joint forces unit.

16           “(3) Instructing or training members of the  
 17           armed forces on active duty, members of foreign  
 18           military forces (under authorities and limitations ap-  
 19           plicable to the provision of such instruction or train-  
 20           ing by members of the armed forces on active duty),  
 21           Department of Defense contractor personnel, and  
 22           Department of Defense civilian employees.”.

23           (3) CLERICAL AMENDMENT.—The table of sec-  
 24           tions at the beginning of chapter 1007 of such title

1 is amended by inserting after the item relating to  
 2 section 10216 the following new item:

“10216a. Military technicians (dual status): additional duties.”.

3 (d) ORDER OF NATIONAL GUARD MEMBERS TO PER-  
 4 FORM NATIONAL GUARD ACTIVE GUARD AND RESERVE  
 5 DUTY AND ADDITIONAL DUTIES.—

6 (1) DEFINITION OF “NATIONAL GUARD ACTIVE  
 7 GUARD AND RESERVE DUTY”.—Section 101 of title  
 8 32, United States Code, is amended by adding at  
 9 the end the following:

10 “(20)(A) ‘National Guard active Guard and Re-  
 11 serve duty’ means full-time National Guard duty  
 12 performed by a member of the National Guard pur-  
 13 suant to an order to full-time National Guard duty,  
 14 for a period of 180 consecutive days or more for the  
 15 purpose of organizing, administering, recruiting, in-  
 16 structing, or training the reserve components.

17 “(B) Such term does not include the following:

18 “(i) Duty performed as a member of the  
 19 Reserve Forces Policy Board under section  
 20 10301 of title 10.

21 “(ii) Duty performed as a property and fis-  
 22 cal officer under section 708 of this title.

23 “(iii) Duty performed for the purpose of  
 24 interdiction and counter-drug activities for

1           which funds have been provided under section  
2           112 of this title.

3           “(iv) Duty performed as a general or flag  
4           officer.

5           “(v) Service as a State director of the Se-  
6           lective Service System under section 10(b)(2) of  
7           the Military Selective Service Act (50 U.S.C.  
8           App. 460(b)(2)).”.

9           (2) ORDER TO PERFORM DUTY.—Chapter 3 of  
10          such title is amended by adding at the end the fol-  
11          lowing new section:

12       **“§ 328. National Guard active Guard and Reserve**  
13               **duty; additional duties**

14          “(a) AUTHORITY TO ORDER TO DUTY.—The Gov-  
15       ernor of his State or Territory or Puerto Rico, or com-  
16       manding general of the District of Columbia National  
17       Guard, as the case may be, with the consent of the Sec-  
18       retary concerned, may order a member of the National  
19       Guard to perform National Guard active Guard and Re-  
20       serve duty.

21          “(b) NATURE OF DUTY.—(1) A member of the Na-  
22       tional Guard may be ordered to perform duty under sub-  
23       section (a)—

24               “(A) without his consent, but with the pay and  
25       allowances provided by law; or

1           “(B) with his consent, either with or without  
2       pay and allowances.

3           “(2) Duty without pay shall be considered for all pur-  
4       poses as if it were duty with pay.

5           “(c) DUTIES.—A member of the National Guard per-  
6       forming duty under subsection (a) may perform the fol-  
7       lowing additional duties (to the extent such duties do not  
8       interfere with the performance by the member of National  
9       Guard active Guard and Reserve duty under that sub-  
10      section) as follows:

11           “(1) Support of operations or missions under-  
12      taken by the member’s unit at the request of the  
13      President or the Secretary of Defense.

14           “(2) Support of Federal training operations or  
15      Federal training missions assigned in whole or in  
16      part to the member’s unit.

17           “(3) Instructing or training members of the  
18      armed forces on active duty, members of foreign  
19      military forces (under authorities and limitations ap-  
20      plicable to the provision of such instruction or train-  
21      ing by members of the armed forces on active duty),  
22      Department of Defense contractor personnel, and  
23      Department of Defense civilian employees.”.

1           (3) CLERICAL AMENDMENT.—The table of sec-  
 2           tions at the beginning of such chapter is amended  
 3           by adding at the end the following new item:

“328. National Guard active Guard and Reserve duty; additional duties.”.

4           (e) EXPANSION OF DUTIES OF NATIONAL GUARD  
 5           TECHNICIANS.—Section 709(a) of such title is amended—

6           (1) in paragraph (1)—

7                   (A) by striking “administration and” and  
 8                   inserting “organizing, administering, instruct-  
 9                   ing, or”; and

10                   (B) by striking “and” at the end;

11           (2) in paragraph (2), by striking the period at  
 12           the end and inserting “; and”; and

13           (3) by adding at the end the following new  
 14           paragraph:

15                   “(3) the performance of additional duties (to  
 16                   the extent such duties do not interfere with the per-  
 17                   formance by the technician of duties under para-  
 18                   graphs (1) and (2)) as follows:

19                           “(A) Support of operations or missions un-  
 20                           dertaken by the technician’s unit at the request  
 21                           of the President or the Secretary of Defense.

22                           “(B) Support of Federal training oper-  
 23                           ations or Federal training missions assigned in  
 24                           whole or in part to the technician’s unit.



“(C) Instructing or training members of the armed forces on active duty, members of foreign military forces (under authorities and limitations applicable to the provision of such instruction or training by members of the armed forces on active duty), Department of Defense contractor personnel, and Department of Defense civilian employees.”.

**SEC. 532. EXPANSION OF ACTIVITIES AUTHORIZED FOR RE-SERVES UNDER WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.**

(a) IN GENERAL.—Subsection (d) of section 12310 of title 10, United States Code, as redesignated and amended by section 531(b) of this Act, is further amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting “in the United States, Canada, or the United Mexican States” after “title”;

(ii) by striking “or” at the end;

(B) in subparagraph (B)—

(i) by inserting “, Canada, or the United Mexican States” after “United States”; and

1 (ii) by striking the period at the end  
2 and inserting a semicolon; and

3 (C) by adding at the end the following new  
4 subparagraphs:

5 “(C) the intentional or unintentional release of  
6 nuclear, biological, radiological, or toxic or poisonous  
7 chemical materials in the United States, Canada, or  
8 the United Mexican States that results, or could re-  
9 sult, in catastrophic loss of life or property; or

10 “(D) a natural or manmade disaster in the  
11 United States, Canada, or the United Mexican  
12 States that results, or could result, in catastrophic  
13 loss of life or property.”; and

14 (2) by striking paragraph (3) and inserting the  
15 following new paragraph (3):

16 “(3)(A) A Reserve may perform duties described in  
17 subparagraph (A), (B), or (C) of paragraph (1)—

18 “(i) only while assigned to a reserve component  
19 civil support team; and

20 “(ii) if performing those duties in Canada or  
21 the United Mexican States, only after being ordered  
22 to active duty under this title.

23 “(B) A Reserve may perform the duties described in  
24 paragraph (1)(D)—

1           “(i) only while assigned to a reserve component  
2       civil support team;

3           “(ii) only with the approval of the Secretary of  
4       Defense; and

5           “(iii) if performing those duties in Canada or  
6       the United Mexican States, only after being ordered  
7       to active duty under this title.

8       “(C) Any duties described in paragraph (1) that are  
9       performed in Canada or the United Mexican States may  
10      occur, with consultation of the Secretary of State, at any  
11      distance beyond the borders of the United States with  
12      such country as is agreed to by appropriate authorities  
13      in such country.”.

14       (b) DEFINITION OF “UNITED STATES”.—Such sub-  
15      section is further amended by adding at the end the fol-  
16      lowing new paragraph:

17       “(7) In this subsection, the term ‘United States’  
18      means each of the several States, the District of Columbia,  
19      Puerto Rico, Guam, and the Virgin Islands.”.

20       (c) CONFORMING AMENDMENTS.—Such subsection is  
21      further amended—

22           (1) in the heading, by inserting “, TERRORIST  
23      ATTACK, AND NATURAL OR MANMADE DISASTER”  
24      after “MASS DESTRUCTION”;

1           (2) in paragraph (5), by striking “rapid assess-  
 2           ment element team” and inserting “civil support  
 3           team”; and

4           (3) in paragraph (6)(B), by striking “para-  
 5           graph (3)(B)” and inserting “that paragraph”.

6 **SEC. 533. MODIFICATION OF AUTHORITIES RELATING TO**  
 7 **THE COMMISSION ON THE NATIONAL GUARD**  
 8 **AND RESERVES.**

9           (a) ANNUITIES AND PAY OF MEMBERS ON FEDERAL  
 10 REEMPLOYMENT.—Subsection (e) of section 513 of the  
 11 Ronald W. Reagan National Defense Authorization Act  
 12 for Fiscal Year 2005 (Public Law 108–375; 118 Stat.  
 13 1882), as amended by section 516 of the National Defense  
 14 Authorization Act for Fiscal Year 2006 (Public Law 109–  
 15 163; 119 Stat. 3237), is further amended by adding at  
 16 the end the following new paragraph:

17           “(3) If warranted by circumstances described in sub-  
 18 paragraph (A) or (B) of section 8344(i)(1) of title 5,  
 19 United States Code, or by circumstances described in sub-  
 20 paragraph (A) or (B) of section 8468(f)(1) of such title,  
 21 as applicable, the chairman of the Commission may exer-  
 22 cise, with respect to the members of the Commission, the  
 23 same waiver authority as would be available to the Direc-  
 24 tor of the Office of Personnel Management under such  
 25 section.”.

1 (b) FINAL REPORT.—Subsection (f)(2) of such sec-  
2 tion 513 is amended by striking “one year” and inserting  
3 “18 months”.

4 (c) EFFECTIVE DATE.—The amendments made by  
5 this section shall be effective on October 28, 2004, as if  
6 included in the enactment of the Ronald W. Reagan Na-  
7 tional Defense Authorization Act for Fiscal Year 2005.  
8 The amendment made by subsection (a) shall apply to  
9 members of the Commission on the National Guard and  
10 Reserves appointed on or after that date.

11 **SEC. 534. PILOT PROGRAM ON REINTEGRATION OF MEM-**  
12 **BERS OF THE NATIONAL GUARD INTO CIVIL-**  
13 **IAN LIFE AFTER DEPLOYMENT.**

14 (a) PILOT PROGRAM REQUIRED.—The Secretary of  
15 the Army shall carry out a pilot program to assess the  
16 feasibility and advisability of utilizing the mechanisms  
17 specified in this section to facilitate the reintegration of  
18 members of the National Guard into civilian life after their  
19 return from deployment overseas.

20 (b) LIMITATION ON LOCATION.—The pilot program  
21 required by subsection (a) may only be carried out in a  
22 State that has a National Guard brigade that is returning  
23 from deployment overseas during the period of the pilot  
24 program.

1 (c) PROGRAM ELEMENTS.—The mechanisms under  
2 the pilot program required by subsection (a) shall include  
3 the following:

4 (1) INITIAL REINTEGRATION TRAINING.—Train-  
5 ing (to be known as “initial reintegration training”)  
6 of members of the National Guard described in sub-  
7 section (a) to facilitate the reintegration of such  
8 members with their families and communities after  
9 their return from deployment as described in that  
10 subsection. Such training shall be conducted imme-  
11 diately after the return of such members from such  
12 deployment. Participation in such training shall be  
13 voluntary.

14 (2) 30-DAY REINTEGRATION TRAINING.—Train-  
15 ing (to be known as “30-day reintegration train-  
16 ing”) of members of the National Guard described  
17 in subsection (a) to assist such members in identi-  
18 fying the signs and symptoms of combat stress.  
19 Such training shall be conducted approximately 30  
20 days after provision of training under paragraph (1).  
21 Participation in such training shall be voluntary.

22 (3) 60-DAY REINTEGRATION TRAINING.—Train-  
23 ing (to be known as “60-day reintegration train-  
24 ing”) of members of the National Guard described  
25 in subsection (a) to assist such members in matters

1 relating to combat stress, including chemical depend-  
2 ency, anger management, and gambling abuse. Such  
3 training shall be conducted approximately 30 days  
4 after provision of training under paragraph (2). Par-  
5 ticipation in such training shall be voluntary.

6 (4) 90-DAY REINTEGRATION TRAINING.—Train-  
7 ing (to be known as “90-day reintegration train-  
8 ing”) of members of the National Guard described  
9 in subsection (a) to ensure a thorough physical and  
10 mental health assessment of such members after de-  
11 ployment as described in that subsection. Such  
12 training shall be conducted approximately 30 days  
13 after provision of training under paragraph (3). Par-  
14 ticipation in such training shall be voluntary.

15 (5) EDUCATIONAL MATERIALS.—The develop-  
16 ment and distribution of educational materials for  
17 families of members of the National Guard described  
18 in subsection (a), and for the communities in which  
19 such members and families reside, on matters relat-  
20 ing to the reintegration of such members into civil-  
21 ian life after their return from deployment overseas.

22 (d) REPORT.—Not later than one year after the com-  
23 mencement of the pilot program required by subsection  
24 (a), the Secretary shall submit to the congressional de-

1 fense committees a report on the pilot program. The re-  
 2 port shall include—

3 (1) a description of the activities undertaken  
 4 under the pilot program;

5 (2) an assessment of the effectiveness of such  
 6 mechanisms in facilitating the reintegration of mem-  
 7 bers of the National Guard into civilian life after  
 8 their return from deployment overseas; and

9 (3) such recommendations for legislative or ad-  
 10 ministrative action as the Secretary considers appro-  
 11 priate in light of the pilot program.

12 (e) FUNDING.—Of the amount authorized to be ap-  
 13 propriated by section 301(10) for operation and mainte-  
 14 nance for the Army National Guard, \$6,663,000 may be  
 15 available for the pilot program required by subsection (a).

## 16 **Subtitle C—Military Justice and** 17 **Related Matters**

18 **SEC. 551. APPLICABILITY OF UNIFORM CODE OF MILITARY**  
 19 **JUSTICE TO MEMBERS OF THE ARMED**  
 20 **FORCES ORDERED TO ACTIVE DUTY OVER-**  
 21 **SEAS IN INACTIVE DUTY FOR TRAINING STA-**  
 22 **TUS.**

23 Not later than March 1, 2007, the Secretaries of the  
 24 military departments shall prescribe regulations, or amend  
 25 current regulations, in order to provide that officers and



1 enlisted personnel of the Armed Forces who are ordered  
 2 to active duty at locations overseas in an inactive duty for  
 3 training status are subject to the jurisdiction of the Uni-  
 4 form Code of Military Justice, pursuant to the provisions  
 5 of section 802(a)(3) of title 10, United States Code (arti-  
 6 cle 2(a)(3) of the Uniform Code of Military Justice), con-  
 7 tinuously from the commencement of execution of such or-  
 8 ders to the conclusion of such orders.

## 9                   **Subtitle D—Education and** 10                   **Training Matters**

### 11 **SEC. 561. DETAIL OF COMMISSIONED OFFICERS AS STU-** 12 **DENTS AT MEDICAL SCHOOLS.**

13           (a) IN GENERAL.—Chapter 101 of title 10, United  
 14 States Code, is amended by inserting after section 2004  
 15 the following new section:

#### 16 **“§ 2004a. Detail of commissioned officers as students** 17 **at medical schools**

18           “(a) DETAIL AUTHORIZED.—The Secretary of each  
 19 military department may detail commissioned officers of  
 20 the armed forces as students at accredited medical schools  
 21 or schools of osteopathy located in the United States for  
 22 a period of training leading to the degree of doctor of med-  
 23 icine. No more than 25 officers from each military depart-  
 24 ment may commence such training in any single fiscal  
 25 year.

1       “(b) ELIGIBILITY FOR DETAIL.—To be eligible for  
2 detail under subsection (a), an officer must be a citizen  
3 of the United States and must—

4           “(1) have served on active duty for a period of  
5 not less than two years nor more than six years and  
6 be in the pay grade 0–3 or below as of the time the  
7 training is to begin; and

8           “(2) sign an agreement that unless sooner sepa-  
9 rated the officer will—

10           “(A) complete the educational course of  
11 medical training;

12           “(B) accept transfer or detail as a medical  
13 officer within the military department con-  
14 cerned when the officer’s training is completed;  
15 and

16           “(C) agree to serve on active duty fol-  
17 lowing completion of training for a period of  
18 two years for each year or part thereof of the  
19 officer’s medical training under subsection (a).

20       “(c) SELECTION OF OFFICERS FOR DETAIL.—Offi-  
21 cers detailed for medical training under subsection (a)  
22 shall be selected on a competitive basis by the Secretary  
23 of the military department concerned.

24       “(d) RELATION OF SERVICE OBLIGATIONS TO  
25 OTHER SERVICE OBLIGATIONS.—Any service obligation

1 incurred by an officer under an agreement entered into  
2 under subsection (b) shall be in addition to any service  
3 obligation incurred by the officer under any other provi-  
4 sion of law or agreement.

5 “(e) EXPENSES.—Expenses incident to the detail of  
6 officers under this section shall be paid from any funds  
7 appropriated for the military department concerned.

8 “(f) FAILURE TO COMPLETE PROGRAM.—(1) An of-  
9 ficer who is dropped from a program of medical training  
10 to which detailed under subsection (a) for deficiency in  
11 conduct or studies, or for other reasons, may be required  
12 to perform active duty in an appropriate military capacity  
13 in accordance with the active duty obligation imposed on  
14 the officer under regulations issued by the Secretary of  
15 Defense for purposes of this section.

16 “(2) In no case shall an officer be required to serve  
17 on active duty under this subsection for any period in ex-  
18 cess of one year for each year or part thereof the officer  
19 participated in the program.

20 “(g) LIMITATION ON DETAILS.—(1) No agreement  
21 detailing an officer of the armed forces to an accredited  
22 medical school or school of osteopathy may be entered into  
23 during any period in which the President is authorized by  
24 law to induct persons into the armed forces involuntarily.

1 “(2) Nothing in this subsection shall affect any agree-  
 2 ment entered into during any period when the President  
 3 is not authorized by law to so induct persons into the  
 4 armed forces.”.

5 (b) CLERICAL AMENDMENT.—The table of sections  
 6 at the beginning of chapter 101 of such title is amended  
 7 by inserting after the item relating to section 2004 the  
 8 following new item:

“2004a. Detail of commissioned officers as students at medical schools.”.

9 **SEC. 562. EXPANSION OF ELIGIBILITY TO PROVIDE JUNIOR**  
 10 **RESERVE OFFICERS’ TRAINING CORPS IN-**  
 11 **STRUCTION.**

12 (a) ELIGIBILITY OF RETIRED MEMBERS OF NA-  
 13 TIONAL GUARD AND RESERVES.—Section 2031 of title  
 14 10, United States Code, is amended by adding at the end  
 15 the following new subsection:

16 “(e) Instead of, or in addition to, the detailing of ac-  
 17 tive duty officers and noncommissioned officers under sub-  
 18 section (c)(1), and the employment of retired officers, non-  
 19 commissioned officers, and members of the Fleet Reserve  
 20 and Fleet Marine Corps Reserve under subsection (d), the  
 21 Secretary of the military department concerned may au-  
 22 thorize qualified institutions to employ as administrators  
 23 and instructors in the program retired officers and non-  
 24 commissioned officers who qualify for retired pay for non-  
 25 regular service under section 12731 of this title (other

1 than those who qualify for age under subsection (a)(1) of  
 2 such section) whose qualifications are approved by the  
 3 Secretary and the institution concerned and who request  
 4 such employment, subject to the following:

5           “(1) The Secretary shall pay to the institution  
 6           an amount equal to one-half of the amount paid to  
 7           the member by the institution for any period up to  
 8           a maximum of one-half of the difference between the  
 9           retired or retainer pay for an active duty officer or  
 10          noncommissioned officer of the same grade and years  
 11          of service for such period and the active duty pay  
 12          and allowances which the member would have re-  
 13          ceived for such period if on active duty. Amounts  
 14          may be paid with respect to members under this  
 15          subsection after such members reach the age of 60.  
 16          Payments by the Secretary under this paragraph  
 17          shall be made from funds appropriated for that pur-  
 18          pose.

19           “(2) Notwithstanding any other provision of  
 20          law, such a member is not, while so employed, con-  
 21          sidered to be on active duty or inactive duty training  
 22          for any purpose.”.

23          (b) CLARIFICATION OF STATUS OF RETIRED MEM-  
 24          BERS CURRENTLY PROVIDING INSTRUCTION.—Subsection  
 25          (d) of such section is amended in the matter preceding

1 paragraph (1) by striking “and noncommissioned officers,  
2 and members of the Fleet Reserve and Fleet Marine Corps  
3 Reserve” and inserting “, noncommissioned officers, and  
4 members of the Fleet Reserve and Fleet Marine Corps Re-  
5 serve who are drawing retired or retained pay”.

6 **SEC. 563. INCREASE IN MAXIMUM AMOUNT OF REPAYMENT**  
7 **UNDER EDUCATION LOAN REPAYMENT FOR**  
8 **OFFICERS IN SPECIFIED HEALTH PROFES-**  
9 **SIONS.**

10 (a) INCREASE IN MAXIMUM AMOUNT.—Section  
11 2173(e)(2) of title 10, United States Code, is amended  
12 by striking “\$22,000” and inserting “\$60,000”.

13 (b) EFFECTIVE DATE.—

14 (1) IN GENERAL.—The amendment made by  
15 subsection (a) shall take effect on October 1, 2006,  
16 and shall apply with respect agreements entered into  
17 under section 2173 of title 10, United States Code,  
18 on or after that date.

19 (2) PROHIBITION ON ADJUSTMENT.—The ad-  
20 justment required by the second sentence of section  
21 2173(e)(2) of title 10, United States Code, to be  
22 made on October 1, 2006, shall not be made.

1 **SEC. 564. INCREASE IN BENEFITS UNDER HEALTH PROFES-**  
2 **SIONS SCHOLARSHIP AND FINANCIAL ASSIST-**  
3 **ANCE PROGRAM.**

4 (a) STIPEND.—Section 2121(d) of title 10, United  
5 States Code, is amended—

6 (1) by striking “the rate of \$579 per month”  
7 and inserting “in an amount not to exceed \$30,000  
8 per year”; and

9 (2) by striking “That rate” and inserting “The  
10 maximum amount of the stipend”.

11 (b) ANNUAL GRANT.—Section 2127(e) of such title  
12 is amended—

13 (1) by striking “\$15,000” and inserting “in an  
14 amount not to exceed \$45,000”; and

15 (2) by striking “The amount” and inserting  
16 “The maximum amount”.

17 (c) EFFECTIVE DATE.—The amendments made by  
18 this section shall take effect on October 1, 2006.

19 (d) PROHIBITION ON ADJUSTMENTS IN 2007.—No  
20 adjustment under subsection (d) of section 2122 of title  
21 10, United States Code, in the maximum amount of the  
22 stipend payable under such section 2122, and no adjust-  
23 ment under subsection (e) of section 2127 of such title  
24 in the maximum amount of the annual grant payable  
25 under such section 2127, shall be made in 2007.

1 **SEC. 565. REPORT ON HEALTH PROFESSIONS SCHOLAR-**  
2 **SHIP AND FINANCIAL ASSISTANCE PROGRAM.**

3 (a) REPORT REQUIRED.—Not later than March 1,  
4 2007, the Secretary of Defense shall submit to the con-  
5 gressional defense committees a report on the health pro-  
6 fessions scholarship and financial assistance program for  
7 active service under subchapter I of chapter 105 of title  
8 10, United States Code.

9 (b) ELEMENTS.—The report required by subsection  
10 (a) shall include the following:

11 (1) An assessment of the success of each mili-  
12 tary department in achieving its recruiting goals  
13 under the health professions scholarship and finan-  
14 cial assistance program for active service during  
15 each of fiscal years 2000 through 2006.

16 (2) If any military department failed to achieve  
17 its recruiting goals under the program during any  
18 fiscal year covered by paragraph (1), an explanation  
19 of the failure of the military department to achieve  
20 such goal during such fiscal year.

21 (3) An assessment of the adequacy of the sti-  
22 pend authorized by section 2121(d) of title 10,  
23 United States Code, in meeting the objectives of the  
24 program.

25 (4) Such recommendations for legislative or ad-  
26 ministrative action as the Secretary considers appro-



1        piate to enhance the effectiveness of the program in  
 2        meeting the annual recruiting goals of the military  
 3        departments for medical personnel covered by the  
 4        program.

5    **SEC. 566. EXPANSION OF INSTRUCTION AVAILABLE AT THE**  
 6                    **NAVAL POSTGRADUATE SCHOOL FOR EN-**  
 7                    **LISTED MEMBERS OF THE ARMED FORCES.**

8        (a) CERTIFICATE PROGRAMS AND COURSES.—Sub-  
 9        paragraph (C) of subsection (a)(2) of section 7045 of title  
 10    10, United States Code, is amended by striking “Navy or  
 11    Marine Corps” and inserting “armed forces”.

12        (b) GRADUATE LEVEL INSTRUCTION.—Such sub-  
 13        section is further amended—

14                (1) by redesignating subparagraph (D) as sub-  
 15        paragraph (E);

16                (2) by inserting after subparagraph (C) the fol-  
 17        lowing new subparagraph (D):

18        “(D)(i) The Secretary may, pursuant to regulations  
 19        prescribed by the Secretary, permit an eligible enlisted  
 20        member of the armed forces to receive graduate level in-  
 21        struction at the Naval Postgraduate School in a program  
 22        leading to a master’s degree in a technical, analytical, or  
 23        engineering curricula.

1       “(ii) To be eligible for instruction under this subpara-  
 2 graph, an enlisted member shall hold a baccalaureate de-  
 3 gree granted by an institution of higher education.

4       “(iii) Instruction shall be provided under this sub-  
 5 paragraph on a space-available basis.

6       “(iv) An enlisted member who successfully completes  
 7 a course of instruction under this subparagraph may be  
 8 awarded a master’s degree under section 7048 of this title.

9       “(v) The regulations prescribed under clause (i) may  
 10 include criteria for eligibility of enlisted members for in-  
 11 struction under this subparagraph and obligations for fur-  
 12 ther service in the armed forces by enlisted members relat-  
 13 ing to receipt of such instruction.”; and

14               (3) in subparagraph (E), as so redesignated, by  
 15 striking “and (C)” and inserting “(C), and (D)”.

16       (c) CONFORMING AMENDMENT.—Subsection (b)(2)  
 17 of such section is amended by striking “(a)(2)(D)” and  
 18 inserting “(a)(2)(E)”.

19       (d) REPEAL OF CERTAIN REQUIREMENTS ON IN-  
 20 STRUCTION.—Section 526 of the National Defense Au-  
 21 thorization Act for Fiscal Year 2006 (Public Law 109–  
 22 163) is amended by striking subsections (c) and (d).

1 **SEC. 567. MODIFICATION OF ACTIONS TO ADDRESS SEXUAL**  
 2 **HARASSMENT AND SEXUAL VIOLENCE AT**  
 3 **THE SERVICE ACADEMIES.**

4 (a) CLARIFICATION OF SCOPE OF ACTIONS.—Section  
 5 527 of the National Defense Authorization Act for Fiscal  
 6 Year 2004 (Public Law 108–136; 117 Stat. 1468; 10  
 7 U.S.C. 4331 note) is amended—

8 (1) in subsection (a)—

9 (A) in the subsection caption, by inserting  
 10 “SEXUAL” before “VIOLENCE”; and

11 (B) in paragraph (1)—

12 (i) in subparagraph (A), by striking  
 13 “personnel of” and inserting “cadets at”;

14 (ii) in subparagraph (B), by striking  
 15 “personnel of” and inserting “midshipmen  
 16 at”; and

17 (iii) in subparagraph (C), by striking  
 18 “personnel of” and inserting “cadets at”;

19 (2) by inserting “sexual” before “violence” each  
 20 place it appears; and

21 (3) by striking “academy personnel” each place  
 22 it appears and inserting “cadets or midshipmen”.

23 (b) ASSESSMENTS OF ACADEMY POLICIES.—

24 (1) ADMINISTRATION OF ASSESSMENTS.—Sub-  
 25 section (b) of such section is further amended—

26 (A) in paragraph (1)—

1 (i) by striking “to conduct” and in-  
 2 serting “to provide”; and

3 (ii) by inserting “(to be administered  
 4 by the Department of Defense)” after “an  
 5 assessment”; and

6 (B) in paragraph (2), by striking “shall  
 7 conduct” and inserting “shall provide for the  
 8 conduct of”.

9 (2) SCHEDULE FOR ASSESSMENTS.—Such sub-  
 10 section is further amended—

11 (A) in the subsection caption, by striking  
 12 “ANNUAL ASSESSMENT” and inserting “AS-  
 13 SESSMENTS REQUIRED”;

14 (B) in paragraph (1), by inserting “speci-  
 15 fied in paragraph (2)” after “each program  
 16 year”; and

17 (C) in paragraph (2), by striking “2007,  
 18 and 2008” and inserting “2008, and 2010”.

19 (c) REPORTS ON ACTIVITIES ON CAMPUS.—Sub-  
 20 section (c) of such section is further amended—

21 (1) in the subsection caption, by striking “AN-  
 22 NUAL REPORT” and inserting “REPORTS”;

23 (2) in paragraph (1), by striking “2007, and  
 24 2008” and inserting “2008, and 2010”;

25 (3) in paragraph (2)—

1 (A) in the matter preceding subparagraph  
 2 (A), by striking “The annual report” and in-  
 3 serting “The report”; and

4 (B) in subparagraph (D), by striking  
 5 “each of the subsequent academy program  
 6 years” and inserting “each other academy pro-  
 7 gram year covered by this subsection”; and

8 (4) in paragraphs (3) and (4), by striking “the  
 9 annual” and inserting “each”.

10 (d) CONFORMING AMENDMENT.—The heading of  
 11 such section is amended to read as follows:

12 **“SEC. 527. ACTIONS TO ADDRESS SEXUAL HARASSMENT**  
 13 **AND SEXUAL VIOLENCE AT THE SERVICE**  
 14 **ACADEMIES.”.**

15 **SEC. 568. DEPARTMENT OF DEFENSE POLICY ON SERVICE**  
 16 **ACADEMY AND ROTC GRADUATES SEEKING**  
 17 **TO PARTICIPATE IN PROFESSIONAL SPORTS**  
 18 **BEFORE COMPLETION OF THEIR ACTIVE-**  
 19 **DUTY SERVICE OBLIGATIONS.**

20 (a) POLICY REQUIRED.—

21 (1) IN GENERAL.—Not later than July 1, 2007,  
 22 the Secretary of Defense shall prescribe the policy of  
 23 the Department of Defense on—

24 (A) whether to authorize graduates of the  
 25 service academies and the Reserve Officers’

1 Training Corps to participate in professional  
2 sports before the completion of their obligations  
3 for service on active duty as commissioned offi-  
4 cers; and

5 (B) if so, the obligations for service on ac-  
6 tive duty as commissioned officers of such grad-  
7 uates who participate in professional sports be-  
8 fore the satisfaction of the obligations referred  
9 to in subparagraph (A).

10 (2) REVIEW OF CURRENT POLICIES.—In pre-  
11 scribing the policy, the Secretary shall review cur-  
12 rent policies, practices, and regulations of the mili-  
13 tary departments on the obligations for service on  
14 active duty as commissioned officers of graduates of  
15 the service academies and the Reserve Officers'  
16 Training Corps, including policies on authorized  
17 leaves of absence and policies under excess leave pro-  
18 grams.

19 (3) CONSIDERATIONS.—In prescribing the pol-  
20 icy, the Secretary shall take into account the fol-  
21 lowing:

22 (A) The compatibility of participation in  
23 professional sports (including training for pro-  
24 fessional sports) with service on active duty in

1 the Armed Forces or as a member of a reserve  
2 component of the Armed Forces.

3 (B) The benefits for the Armed Forces of  
4 waiving obligations for service on active duty  
5 for cadets, midshipmen, and commissioned offi-  
6 cers in order to permit such individuals to par-  
7 ticipate in professional sports.

8 (C) The manner in which the military de-  
9 partments have resolved issues relating to the  
10 participation of personnel in professional sports,  
11 including the extent of and any reasons for, dif-  
12 ferences in the resolution of such issues by such  
13 departments.

14 (D) The recoupment of the costs of edu-  
15 cation provided by the service academies or  
16 under the Reserve Officers' Training Corps pro-  
17 gram if graduates of the service academies or  
18 the Reserve Officers' Training Corps, as the  
19 case may be, do not complete the period of obli-  
20 gated service to which they have agreed by rea-  
21 son of participation in professional sports.

22 (E) Any other matters that the Secretary  
23 considers appropriate.

24 (b) ELEMENTS OF POLICY.—The policy prescribed  
25 under subsection (a) shall address the following matters:

1           (1) The eligibility of graduates of the service  
2           academies and the Reserve Officers' Training Corps  
3           for a reduction in the obligated length of service on  
4           active duty as a commissioned officer otherwise re-  
5           quired of such graduates on the basis of their par-  
6           ticipation in professional sports.

7           (2) Criteria for the treatment of an individual  
8           as a participant or potential participant in profes-  
9           sional sports.

10          (3) The effect on obligations for service on ac-  
11          tive duty as a commissioned officer of any  
12          unsatisfied obligations under prior enlistment con-  
13          tracts or other forms of advanced education assist-  
14          ance.

15          (4) Any authorized variations in the policy that  
16          are warranted by the distinctive requirements of a  
17          particular Armed Force.

18          (5) The eligibility of individuals for medical dis-  
19          charge or disability benefits as a result of injuries  
20          incurred while participating in professional sports.

21          (6) A prospective effective date for the policy  
22          and for the application of the policy to individuals  
23          serving on such effective date as a commissioned of-  
24          ficer, cadet, or midshipman.



1 (c) APPLICATION OF POLICY TO ARMED FORCES.—  
 2 Not later than December 1, 2007, the Secretary of each  
 3 military department shall prescribe regulations, or modify  
 4 current regulations, in order to implement the policy pre-  
 5 scribed by the Secretary of Defense under subsection (a)  
 6 with respect to the Armed Forces under the jurisdiction  
 7 of such Secretary.

8 **Subtitle E—Defense Dependents**  
 9 **Education Matters**

10 **SEC. 571. FUNDING FOR ASSISTANCE TO LOCAL EDU-**  
 11 **CATIONAL AGENCIES THAT BENEFIT DE-**  
 12 **PENDENTS OF MEMBERS OF THE ARMED**  
 13 **FORCES AND DEPARTMENT OF DEFENSE CI-**  
 14 **VILIAN EMPLOYEES.**

15 (a) FUNDING FOR FISCAL YEAR 2007.—Of the  
 16 amount authorized to be appropriated pursuant to section  
 17 301(5) for operation and maintenance for Defense-wide  
 18 activities—

19 (1) \$30,000,000 shall be available only for the  
 20 purpose of providing assistance to local educational  
 21 agencies under section 572(a) of the National De-  
 22 fense Authorization Act for Fiscal Year 2006 (Pub-  
 23 lic Law 109–163; 119 Stat. 3271; 20 U.S.C.  
 24 7703b); and

1           (2) \$10,000,000 shall be available only for the  
 2           purpose of providing assistance to local educational  
 3           agencies under section 572(b) of that Act.

4           (b) TREATMENT OF FUNDING FOR NOTIFICATION  
 5 PURPOSES.—The funding provided under subsection (a)  
 6 for fiscal year 2007 shall be treated as funding for that  
 7 fiscal year for purposes of the notification of local edu-  
 8 cational agencies required by section 572(c) of the Na-  
 9 tional Defense Authorization Act for Fiscal Year 2006  
 10 (119 Stat. 3272).

11 **SEC. 572. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**  
 12 **ABILITIES.**

13           Of the amount authorized to be appropriated pursu-  
 14 ant to section 301(5) for operation and maintenance for  
 15 Defense-wide activities, \$5,000,000 shall be available for  
 16 payments under section 363 of the Floyd D. Spence Na-  
 17 tional Defense Authorization Act for Fiscal Year 2001 (as  
 18 enacted into law by Public Law 106–398; 114 Stat.  
 19 1654A–77; 20 U.S.C. 7703a).

20 **SEC. 573. PLAN TO ASSIST LOCAL EDUCATIONAL AGENCIES**  
 21 **EXPERIENCING GROWTH IN ENROLLMENT**  
 22 **DUE TO FORCE STRUCTURE CHANGES, RELO-**  
 23 **CATION OF MILITARY UNITS, OR BRAC.**

24           (a) PLAN REQUIRED.—Not later than January 1,  
 25 2007, the Secretary of Defense shall submit to the con-

gressional defense committees a report setting forth a plan to provide assistance to local educational agencies that experience growth in the enrollment of military dependent students as a result of any of the following events:

- (1) Force structure changes.
- (2) The relocation of a military unit.
- (3) The closure or realignment of military installations pursuant to defense base closure and realignment under the base closure laws.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An identification, current as of the date of the report, of the total number of military dependent students who are anticipated to be arriving at or departing from military installations as a result of any event described in subsection (a), including—

(A) an identification of the military installations affected by such arrivals and departures;

(B) an estimate of the number of such students arriving at or departing from each such installation; and

(C) the anticipated schedule of such arrivals and departures.

(2) Such recommendations as the Office of Economic Adjustment of the Department of Defense

1 considers appropriate for means of assisting affected  
2 local educational agencies in accommodating in-  
3 creases in enrollment of military dependent students  
4 as a result of any such event.

5 (3) A plan for outreach to be conducted to af-  
6 fected local educational agencies, commanders of  
7 military installations, and members of the Armed  
8 Forces and civilian personnel of the Department of  
9 Defense regarding information on the assistance to  
10 be provided under the plan under subsection (a).

11 (c) UPDATE.—Not later than July 1, 2007, and every  
12 six months thereafter through January 1, 2011, the Sec-  
13 retary shall submit to the congressional defense commit-  
14 tees an update of the report required by subsection (a).  
15 Each update shall include an update of each matter re-  
16 quired under subsection (b) current as of the date of such  
17 update.

18 (d) DEFINITIONS.—In this section:

19 (1) The term “base closure law” has the mean-  
20 ing given that term in section 101 of title 10, United  
21 States Code.

22 (2) The term “local educational agency” has  
23 the meaning given that term in section 8013(9) of  
24 the Elementary and Secondary Education Act of  
25 1965 (20 U.S.C. 7713(9)).

1           (3) The term “military dependent students” re-  
2       fers to—

3           (A) elementary and secondary school stu-  
4       dents who are dependents of members of the  
5       Armed Forces; and

6           (B) elementary and secondary school stu-  
7       dents who are dependents of civilian employees  
8       of the Department of Defense.

9   **SEC. 574. PILOT PROGRAM ON PARENT EDUCATION TO**  
10           **PROMOTE EARLY CHILDHOOD EDUCATION**  
11           **FOR DEPENDENT CHILDREN AFFECTED BY**  
12           **MILITARY DEPLOYMENT OR RELOCATION OF**  
13           **MILITARY UNITS.**

14       (a) PILOT PROGRAM REQUIRED.—The Secretary of  
15   Defense shall carry out a pilot program on the provision  
16   of educational and support tools to the parents of pre-  
17   school-age children—

18           (1) whose parent or parents serve as members  
19       of the Armed Forces on active duty (including mem-  
20       bers of the Selected Reserve on active duty pursuant  
21       to a call or order to active duty of 180 days or  
22       more); and

23           (2) who are affected by the deployment of their  
24       parent or parents or the relocation of the military  
25       unit of which their parent or parents are a member.

1 (b) PURPOSE.—The purpose of the pilot program is  
2 to develop models for improving the capability of military  
3 child and youth programs on or near military installations  
4 to provide assistance to military parents with young chil-  
5 dren through a program of activities focusing on the  
6 unique needs of children described in subsection (a).

7 (c) DURATION OF PROGRAM.—The pilot program  
8 shall commence on October 1, 2007, and shall conclude  
9 on September 30, 2010.

10 (d) SCOPE OF PROGRAM.—The pilot program shall  
11 utilize one or more models (demonstrated through re-  
12 search) of universal access of parents of children described  
13 in subsection (a) to assistance under the pilot program  
14 in order to achieve the following goals:

15 (1) The identification and mitigation of specific  
16 risk factors for such children related to military life.

17 (2) The maximization of the educational readi-  
18 ness of such children.

19 (e) LOCATIONS.—

20 (1) IN GENERAL.—The pilot program shall be  
21 carried out at military installations selected by the  
22 Secretary for purposes of this section from among  
23 military installations whose military personnel are  
24 experiencing significant transition or deployment or  
25 which are undergoing transition as a result of the

1 relocation or activation of military units or activities  
2 relating to defense base closure and realignment.

3 (2) SELECTION OF CERTAIN INSTALLATIONS.—

4 At least one of the installations selected by the Sec-  
5 retary under paragraph (1) shall be an installation  
6 that permits the meaningful evaluation of a model  
7 under subsection (d) that provides outreach to par-  
8 ents in families with a parent who is a member of  
9 the National Guard or Reserve, which families live  
10 more than 40 miles from the installation so selected.

11 (f) GOALS OF PARTICIPATING INSTALLATIONS.—Ap-  
12 propriate personnel at each military installation selected  
13 for participation in the pilot program shall develop goals,  
14 and specific outcome measures with respect to such goals,  
15 for the conduct of the pilot program at such installation.

16 (g) EVALUATION.—

17 (1) EVALUATION REQUIRED.—Upon completion  
18 of the pilot program at a military installation, the  
19 personnel referred to in subsection (f) at such instal-  
20 lation shall conduct an evaluation and assessment of  
21 the success of the pilot program at such installation  
22 in meeting the goals developed under that sub-  
23 section.

24 (2) REPORT.—Upon completion of the evalua-  
25 tions under paragraph (1) for all military installa-

1        tions participating in the pilot program, the Sec-  
 2        retary of Defense shall submit to the congressional  
 3        defense committees a report on such evaluations.  
 4        The report shall describe the results of such evalua-  
 5        tions, and may include such recommendations for  
 6        legislative or administrative action as the Secretary  
 7        considers appropriate in light of such evaluations,  
 8        including recommendations for the continuation of  
 9        the pilot program.

10       (h) GUIDELINES.—The Secretary shall issue guide-  
 11       lines applicable to the pilot program, including guidelines  
 12       on the goals to be developed under subsection (f), specific  
 13       outcome measures, and guidelines on the selection of cur-  
 14       riculum and the conduct of developmental screening under  
 15       the pilot program.

16       (i) FUNDING.—Of the amounts authorized to be ap-  
 17       propriated by section 301(1) for operation and mainte-  
 18       nance for the Army, \$1,500,000 shall be available to carry  
 19       out the pilot program in fiscal year 2007.

## 20                    **Subtitle F—Other Matters**

### 21       **SEC. 581. ADMINISTRATION OF OATHS.**

22       (a) IN GENERAL.—Section 502 of title 10, United  
 23       States Code, is amended by striking the flush matter at  
 24       the end and inserting the following new flush matter:



1 “This oath may be taken before the President, the Vice  
 2 President, the Secretary of Defense, any commissioned of-  
 3 ficer of any armed force, or any other person designated  
 4 under regulations prescribed by the Secretary of De-  
 5 fense.”.

6 (b) CONFORMING AMENDMENT.—Section 1031 of  
 7 such title is amended by striking “Any commissioned offi-  
 8 cer” and all that follows through “on active duty,” and  
 9 inserting “The President, the Vice President, the Sec-  
 10 retary of Defense, any commissioned officer of an armed  
 11 force, or any other person designated under regulations  
 12 prescribed by the Secretary of Defense”.

13 **SEC. 582. MILITARY ID CARDS FOR RETIREE DEPENDENTS**  
 14 **WHO ARE PERMANENTLY DISABLED.**

15 (a) IN GENERAL.—Subsection (a) of section 1060b  
 16 of title 10, United States Code, is amended to read as  
 17 follows:

18 “(a) ISSUANCE OF PERMANENT ID CARD.—(1) In  
 19 issuing military ID cards to retiree dependents, the Sec-  
 20 retary concerned shall issue a permanent ID card (not  
 21 subject to renewal) to any such retiree dependent as fol-  
 22 lows:

23 “(A) A retiree dependent who has attained 75  
 24 years of age.

1           “(B) A retiree dependent who is permanently  
2       disabled.

3           “(2) A permanent ID card shall be issued to a retiree  
4       dependent under paragraph (1)(A) upon the expiration,  
5       after the retiree dependent attains 75 years of age, of any  
6       earlier, renewable military card or, if earlier, upon the re-  
7       quest of the retiree dependent after attaining age 75.”.

8           (b) CONFORMING AND CLERICAL AMENDMENTS.—

9           (1) HEADING AMENDMENT.—The heading of  
10       such section is amended to read as follows:

11       **“§ 1060b. Military ID cards: dependents and survivors**  
12               **of retirees”.**

13           (2) CLERICAL AMENDMENT.—The table of sec-  
14       tions at the beginning of chapter 53 of such title is  
15       amended by striking the item relating to section  
16       1060b and inserting the following new item:

      “1060b. Military ID cards: dependents and survivors of retirees.”.

17       **SEC. 583. MILITARY VOTING MATTERS.**

18           (a) REPEAL OF PERIODIC INSPECTOR GENERAL IN-  
19       STALLATION VISITS FOR ASSESSMENT OF VOTING AS-  
20       SISTANCE PROGRAMS.—Section 1566 of title 10, United  
21       States Code, is amended—

22           (1) by striking subsection (d); and

23           (2) by redesignating subsections (e) through (i)  
24       as subsections (d) through (h), respectively.

1 (b) COMPTROLLER GENERAL REPORT.—Not later  
 2 than March 1, 2007, the Comptroller General of the  
 3 United States shall submit to Congress a report con-  
 4 taining the assessment of the Comptroller General with  
 5 respect to the following:

6 (1) The programs and activities undertaken by  
 7 the Department of Defense to facilitate voter reg-  
 8 istration, transmittal of ballots to absentee voters,  
 9 and voting utilizing electronic means of communica-  
 10 tion (such as electronic mail and fax transmission)  
 11 for military and civilian personnel covered by the  
 12 Uniformed and Overseas Citizens Absentee Voting  
 13 Act (42 U.S.C. 1973ff et seq.).

14 (2) The progress of the Department of Defense  
 15 and the Election Assistance Commission in devel-  
 16 oping a secure, deployable system for Internet-based  
 17 electronic voting pursuant to the amendment made  
 18 by section 567 of the Ronald W. Reagan National  
 19 Defense Authorization Act for Fiscal Year 2005  
 20 (Public Law 108–375; 118 Stat. 1919).

21 **SEC. 584. PRESENTATION OF MEDAL OF HONOR FLAG TO**  
 22 **PRIMARY NEXT OF KIN OF MEDAL OF HONOR**  
 23 **RECIPIENTS.**

24 (a) ARMY RECIPIENTS.—Section 3755 of title 10,  
 25 United States Code, is amended—

1           (1) by inserting “(a) PRESENTATION TO  
2 MEDAL OF HONOR RECIPIENTS.—” before “The  
3 President”; and

4           (2) by striking “after October 23, 2002”; and

5           (3) by adding at the end the following new sub-  
6 section:

7       “(b) PRESENTATION TO PRIMARY NEXT OF KIN.—  
8 The President may provide for the presentation of a Medal  
9 of Honor Flag to the primary living next of kin (as des-  
10 ignated by the Secretary of Defense in regulations pre-  
11 scribed for purposes of this section) of a deceased medal  
12 of honor recipient described in subsection (a).”.

13       (b) NAVY AND MARINE CORPS RECIPIENTS.—Sec-  
14 tion 6257 of such title is amended—

15           (1) by inserting “(a) IN GENERAL.—” before  
16 “The President”; and

17           (2) by striking “after October 23, 2002”; and

18           (3) by adding at the end the following new sub-  
19 section:

20       “(b) PRESENTATION TO PRIMARY NEXT OF KIN.—  
21 The President may provide for the presentation of a Medal  
22 of Honor Flag to the primary living next of kin (as des-  
23 ignated by the Secretary of Defense in regulations pre-  
24 scribed for purposes of this section) of a deceased medal  
25 of honor recipient described in subsection (a).”.

1 (c) AIR FORCE RECIPIENTS.—Section 8755 of such  
2 title is amended—

3 (1) by inserting “(a) IN GENERAL.—” before  
4 “The President”; and

5 (2) by striking “after October 23, 2002”; and

6 (3) by adding at the end the following new sub-  
7 section:

8 “(b) PRESENTATION TO PRIMARY NEXT OF KIN.—

9 The President may provide for the presentation of a Medal  
10 of Honor Flag to the primary living next of kin (as des-  
11 ignated by the Secretary of Defense in regulations pre-  
12 scribed for purposes of this section) of a deceased medal  
13 of honor recipient described in subsection (a).”.

14 (d) COAST GUARD RECIPIENTS.—Section 505 of title  
15 14, United States Code, is amended—

16 (1) by inserting “(a) IN GENERAL.—” before  
17 “The President”; and

18 (2) by striking “after October 23, 2002”; and

19 (3) by adding at the end the following new sub-  
20 section:

21 “(b) PRESENTATION TO PRIMARY NEXT OF KIN.—

22 The President may provide for the presentation of a Medal  
23 of Honor Flag to the primary living next of kin (as des-  
24 ignated by the Secretary of Homeland Security in regula-

1 tions prescribed for purposes of this section) of a deceased  
2 medal of honor recipient described in subsection (a).”.

3 **SEC. 585. MODIFICATION OF EFFECTIVE PERIOD OF AU-**  
4 **THORITY TO PRESENT RECOGNITION ITEMS**  
5 **FOR RECRUITMENT AND RETENTION PUR-**  
6 **POSES.**

7 Subsection (d) of section 2261 of title 10, United  
8 States Code, is amended to read as follows:

9 “(d) EFFECTIVE PERIOD.—The authority under this  
10 section shall be in effect during the period of any war or  
11 national emergency declared by the President or Con-  
12 gress.”.

13 **SEC. 586. MILITARY SEVERELY INJURED CENTER.**

14 (a) CENTER REQUIRED.—In support of the com-  
15 prehensive policy on the provision of assistance to severely  
16 wounded or injured servicemembers required by section  
17 563 of the National Defense Authorization Act for Fiscal  
18 Year 2006 (Public Law 109–163; 119 Stat. 3269; 10  
19 U.S.C. 113 note), the Secretary of Defense shall establish  
20 within the Department of Defense a center to augment  
21 and support the programs and activities of the military  
22 departments for the provision of such assistance, including  
23 the programs of the military departments referred to in  
24 subsection (c).

1 (b) DESIGNATION.—The center established under  
2 subsection (a) shall be known as the “Military Severely  
3 Injured Center” (in this section referred to as the “Cen-  
4 ter”).

5 (c) PROGRAMS OF THE MILITARY DEPARTMENTS.—  
6 The programs of the military departments referred to in  
7 this subsection are as follows:

8 (1) The Army Wounded Warrior Support Pro-  
9 gram.

10 (2) The Navy Safe Harbor Program.

11 (3) The Palace HART Program of the Air  
12 Force.

13 (4) The Marine for Life Injured Support Pro-  
14 gram of the Marine Corps.

15 (d) ACTIVITIES OF CENTER.—

16 (1) IN GENERAL.—The Center shall carry out  
17 such programs and activities to augment and sup-  
18 port the programs and activities of the military de-  
19 partments for the provision of assistance through in-  
20 dividual case management to severely wounded or in-  
21 jured servicemembers and their families as the Sec-  
22 retary of Defense, in consultation with the Secre-  
23 taries of the military departments and the heads of  
24 other appropriate departments and agencies of the  
25 Federal Government (including the Department of

1 Labor and the Department of Veterans Affairs),  
 2 shall assign the Center.

3 (2) DATABASE.—The activities of the Center  
 4 under this subsection shall include the establishment  
 5 and maintenance of a central database of informa-  
 6 tion for purposes of tracking severely wounded or in-  
 7 jured servicemembers.

8 (e) RESOURCES.—The Secretary of Defense shall al-  
 9 locate to the Center such personnel and other resources  
 10 as the Secretary of Defense, in consultation with the Sec-  
 11 retaries of the military departments, considers appropriate  
 12 in order to permit the Center to carry out effectively the  
 13 programs and activities assigned to the Center under sub-  
 14 section (d).

15 **TITLE VI—COMPENSATION AND**  
 16 **OTHER PERSONNEL BENEFITS**  
 17 **Subtitle A—Pay and Allowances**

18 **SEC. 601. FISCAL YEAR 2007 INCREASE IN MILITARY BASIC**  
 19 **PAY AND REFORM OF BASIC PAY RATES.**

20 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The  
 21 adjustment to become effective during fiscal year 2007 re-  
 22 quired by section 1009 of title 37, United States Code,  
 23 in the rates of monthly basic pay authorized members of  
 24 the uniformed services shall not be made.



1       (b) JANUARY 1, 2007, INCREASE IN BASIC PAY.—

2   Effective on January 1, 2007, the rates of monthly basic  
3   pay for members of the uniformed services are increased  
4   by 2.2 percent.

5       (c) REFORM OF BASIC PAY RATES.—Effective on

6   April 1, 2007, the rates of monthly basic pay for members  
7   of the uniformed services within each pay grade are as  
8   follows:

## MONTHLY BASIC PAY

COMMISSIONED OFFICERS<sup>1</sup>

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10 <sup>2</sup> ..	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 .....	0.00	0.00	0.00	0.00	0.00
O-8 .....	8,453.10	8,729.70	8,913.60	8,964.90	9,194.10
O-7 .....	7,023.90	7,350.00	7,501.20	7,621.20	7,838.40
O-6 .....	5,206.20	5,719.20	6,094.50	6,094.50	6,117.60
O-5 .....	4,339.80	4,888.80	5,227.50	5,291.10	5,502.00
O-4 .....	3,744.60	4,334.70	4,623.90	4,688.40	4,956.90
O-3 <sup>3</sup> ....	3,292.20	3,732.30	4,028.40	4,392.00	4,602.00
O-2 <sup>3</sup> ....	2,844.30	3,239.70	3,731.40	3,857.40	3,936.60
O-1 <sup>3</sup> ....	2,469.30	2,569.80	3,106.50	3,106.50	3,106.50
	Over 8	Over 10	Over 12	Over 14	Over 16
O-10 <sup>2</sup> ..	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 .....	0.00	0.00	0.00	0.00	0.00
O-8 .....	9,577.20	9,666.30	10,030.20	10,134.30	10,447.80
O-7 .....	8,052.90	8,301.30	8,548.80	8,797.20	9,577.20
O-6 .....	6,380.10	6,414.60	6,414.60	6,779.10	7,423.80
O-5 .....	5,628.60	5,906.40	6,110.10	6,373.20	6,776.40
O-4 .....	5,244.60	5,602.80	5,882.40	6,076.20	6,187.50
O-3 <sup>3</sup> ....	4,833.30	4,982.70	5,228.40	5,355.90	5,355.90
O-2 <sup>3</sup> ....	3,936.60	3,936.60	3,936.60	3,936.60	3,936.60
O-1 <sup>3</sup> ....	3,106.50	3,106.50	3,106.50	3,106.50	3,106.50
	Over 18	Over 20	Over 22	Over 24	Over 26
O-10 <sup>2</sup> ..	\$0.00	\$13,659.00	\$13,725.90	\$14,011.20	\$14,508.60
O-9 .....	0.00	11,946.60	12,118.50	12,367.20	12,801.30
O-8 .....	10,900.80	11,319.00	11,598.30	11,598.30	11,598.30
O-7 .....	10,236.00	10,236.00	10,236.00	10,236.00	10,287.90
O-6 .....	7,802.10	8,180.10	8,395.20	8,613.00	9,035.70
O-5 .....	6,968.10	7,158.00	7,373.10	7,373.10	7,373.10
O-4 .....	6,252.30	6,252.30	6,252.30	6,252.30	6,252.30
O-3 <sup>3</sup> ....	5,355.90	5,355.90	5,355.90	5,355.90	5,355.90
O-2 <sup>3</sup> ....	3,936.60	3,936.60	3,936.60	3,936.60	3,936.60
O-1 <sup>3</sup> ....	3,106.50	3,106.50	3,106.50	3,106.50	3,106.50
	Over 28	Over 30	Over 32	Over 34	Over 36
O-10 <sup>2</sup> ..	\$14,508.60	\$15,234.00	\$15,234.00	\$15,995.70	\$15,995.70
O-9 .....	12,801.30	13,441.50	13,441.50	14,113.50	14,113.50
O-8 .....	11,598.30	11,888.40	11,888.40	12,185.70	12,185.70
O-7 .....	10,287.90	10,493.70	10,493.70	10,493.70	10,493.70
O-6 .....	9,035.70	9,216.30	9,216.30	9,216.30	9,216.30
O-5 .....	7,373.10	7,373.10	7,373.10	7,373.10	7,373.10
O-4 .....	6,252.30	6,252.30	6,252.30	6,252.30	6,252.30
O-3 <sup>3</sup> ....	5,355.90	5,355.90	5,355.90	5,355.90	5,355.90
O-2 <sup>3</sup> ....	3,936.60	3,936.60	3,936.60	3,936.60	3,936.60
O-1 <sup>3</sup> ....	3,106.50	3,106.50	3,106.50	3,106.50	3,106.50
	Over 38	Over 40			
O-10 <sup>2</sup> ..	\$16,795.50	\$16,795.50			
O-9 .....	14,819.10	14,819.10			
O-8 .....	12,185.70	12,185.70			
O-7 .....	10,493.70	10,493.70			
O-6 .....	9,216.30	9,216.30			
O-5 .....	7,373.10	7,373.10			
O-4 .....	6,252.30	6,252.30			
O-3 <sup>3</sup> ....	5,355.90	5,355.90			
O-2 <sup>3</sup> ....	3,936.60	3,936.60			
O-1 <sup>3</sup> ....	3,106.50	3,106.50			

<sup>1</sup>Notwithstanding the pay rates specified in this table, the actual basic pay for commissioned officers in grades O-7 through O-10 may not exceed the rate of pay for level II of the Executive Schedule and the actual basic pay for all other officers, including warrant officers, may not exceed the rate of pay for level V of the Executive Schedule.

<sup>2</sup>Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in section 161(c) of title 10, United States Code), basic pay for this grade is calculated to be \$17,972.10, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

<sup>3</sup>This table does not apply to commissioned officers in the grade O-1, O-2, or O-3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE  
AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-3E ..	\$0.00	\$0.00	\$0.00	\$4,392.00	\$4,602.00
O-2E ..	0.00	0.00	0.00	3,857.40	3,936.60
O-1E ..	0.00	0.00	0.00	3,106.50	3,317.70
	Over 8	Over 10	Over 12	Over 14	Over 16
O-3E ..	\$4,833.00	\$4,982.70	\$5,228.40	\$5,435.40	\$5,554.20
O-2E ..	4,062.00	4,273.50	4,437.00	4,558.80	4,558.80
O-1E ..	3,440.10	3,565.50	3,688.80	3,857.40	3,857.40
	Over 18	Over 20	Over 22	Over 24	Over 26
O-3E ..	\$5,715.90	\$5,715.90	\$5,715.90	\$5,715.90	\$5,715.90
O-2E ..	4,558.80	4,558.80	4,558.80	4,558.80	4,558.80
O-1E ..	3,857.40	3,857.40	3,857.40	3,857.40	3,857.40
	Over 28	Over 30	Over 32	Over 34	Over 36
O-3E ..	\$5,715.90	\$5,715.90	\$5,715.90	\$5,715.90	\$5,715.90
O-2E ..	4,558.80	4,558.80	4,558.80	4,558.80	4,558.80
O-1E ..	3,857.40	3,857.40	3,857.40	3,857.40	3,857.40
	Over 38	Over 40			
O-3E ..	\$5,715.90	\$5,715.90			
O-2E ..	4,558.80	4,558.80			
O-1E ..	3,857.40	3,857.40			

## WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-5 ....	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 ....	3,402.00	3,660.00	3,765.00	3,868.50	4,046.40
W-3 ....	3,106.80	3,236.40	3,369.00	3,412.80	3,552.00
W-2 ....	2,749.20	3,009.30	3,089.40	3,144.60	3,322.80
W-1 ....	2,413.20	2,672.40	2,742.90	2,890.50	3,065.10
	Over 8	Over 10	Over 12	Over 14	Over 16
W-5 ....	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 ....	4,222.20	4,400.70	4,669.20	4,904.40	5,128.20
W-3 ....	3,825.90	4,110.90	4,245.30	4,400.40	4,560.30
W-2 ....	3,600.00	3,737.10	3,872.40	4,037.70	4,166.70
W-1 ....	3,322.20	3,442.20	3,610.20	3,775.50	3,905.10
	Over 18	Over 20	Over 22	Over 24	Over 26
W-5 ....	\$0.00	\$6,049.50	\$6,356.40	\$6,585.00	\$6,838.20
W-4 ....	5,310.90	5,489.70	5,752.20	5,967.60	6,213.60
W-3 ....	4,847.70	5,042.40	5,158.50	5,282.10	5,450.10
W-2 ....	4,284.00	4,423.80	4,515.90	4,589.40	4,589.40
W-1 ....	4,024.50	4,170.00	4,170.00	4,170.00	4,170.00
	Over 28	Over 30	Over 32	Over 34	Over 36
W-5 ....	\$6,838.20	\$7,180.20	\$7,180.20	\$7,539.30	\$7,539.30
W-4 ....	6,213.60	6,337.80	6,337.80	6,337.80	6,337.80
W-3 ....	5,450.10	5,450.10	5,450.10	5,450.10	5,450.10
W-2 ....	4,589.40	4,589.40	4,589.40	4,589.40	4,589.40
W-1 ....	4,170.00	4,170.00	4,170.00	4,170.00	4,170.00
	Over 38	Over 40			
W-5 ....	\$7,916.40	\$7,916.40			
W-4 ....	6,337.80	6,337.80			
W-3 ....	5,450.10	5,450.10			
W-2 ....	4,589.50	4,589.40			
W-1 ....	4,170.00	4,170.00			

ENLISTED MEMBERS <sup>1</sup>

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 <sup>2</sup> ....	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
E-8 .....	0.00	0.00	0.00	0.00	0.00
E-7 .....	2,339.10	2,553.00	2,650.80	2,780.70	2,881.50
E-6 .....	2,023.20	2,226.00	2,324.40	2,419.80	2,519.40
E-5 .....	1,854.00	1,977.90	2,073.30	2,171.40	2,323.80
E-4 .....	1,699.50	1,786.50	1,883.10	1,978.50	2,062.80
E-3 .....	1,534.20	1,630.80	1,729.20	1,729.20	1,729.20
E-2 .....	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1 .....	<sup>3</sup> 1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 <sup>2</sup> ....	\$0.00	\$4,110.60	\$4,203.90	\$4,321.20	\$4,459.50
E-8 .....	3,364.80	3,513.90	3,606.00	3,716.40	3,835.80
E-7 .....	3,055.20	3,152.70	3,326.70	3,471.00	3,569.70
E-6 .....	2,744.10	2,831.40	3,000.00	3,051.90	3,089.70
E-5 .....	2,483.70	2,613.90	2,630.10	2,630.10	2,630.10
E-4 .....	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3 .....	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2 .....	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1 .....	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9 <sup>2</sup> ....	\$4,598.40	\$4,821.60	\$5,010.30	\$5,209.20	\$5,512.80
E-8 .....	4,051.80	4,161.30	4,347.30	4,450.50	4,704.90
E-7 .....	3,674.40	3,715.50	3,852.00	3,925.20	4,204.20
E-6 .....	3,133.50	3,133.50	3,133.50	3,133.50	3,133.50
E-5 .....	2,630.10	2,630.10	2,630.10	2,630.10	2,630.10
E-4 .....	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3 .....	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2 .....	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1 .....	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 28	Over 30	Over 32	Over 34	Over 36
E-9 <sup>2</sup> ....	\$5,512.80	\$5,788.50	\$5,788.50	\$6,078.00	\$6,078.00
E-8 .....	4,704.90	4,799.10	4,799.10	4,799.10	4,799.10
E-7 .....	4,204.20	4,204.20	4,204.20	4,204.20	4,204.20
E-6 .....	3,133.50	3,133.50	3,133.50	3,133.50	3,133.50
E-5 .....	2,630.10	2,630.10	2,630.10	2,630.10	2,630.10
E-4 .....	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3 .....	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2 .....	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1 .....	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 38	Over 40			
E-9 <sup>2</sup> ....	\$6,381.90	\$6,381.90			
E-8 .....	4,799.10	4,799.10			
E-7 .....	4,204.20	4,204.20			
E-6 .....	3,133.50	3,133.50			
E-5 .....	2,630.10	2,630.10			
E-4 .....	2,062.80	2,062.80			
E-3 .....	1,729.20	1,729.20			
E-2 .....	1,458.90	1,458.90			
E-1 .....	1,301.40	1,301.40			

<sup>1</sup>Notwithstanding the pay rates specified in this table, the actual basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

<sup>2</sup>Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, Master Chief Petty Officer of the Coast Guard, or Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff, basic pay for this grade is \$6,642.60, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

<sup>3</sup>In the case of members in the grade E-1 who have served less than 4 months on active duty, basic pay is \$1,203.90.

1 **SEC. 602. INCREASE IN MAXIMUM RATE OF BASIC PAY FOR**  
2 **GENERAL AND FLAG OFFICER GRADES.**

3 (a) INCREASE.—Section 203(a)(2) of title 37, United  
4 States Code, is amended by striking “level III of the Exec-  
5 utive Schedule” and inserting “level II of the Executive  
6 Schedule”.

7 (b) EFFECTIVE DATE.—The amendment made by  
8 subsection (a) shall take effect on January 1, 2007, and  
9 shall apply with respect to months beginning on or after  
10 that date.

11 **SEC. 603. CLARIFICATION OF EFFECTIVE DATE OF PROHI-**  
12 **BITION ON COMPENSATION FOR COR-**  
13 **RESPONDENCE COURSES.**

14 Section 206(d) of title 37, United States Code, is  
15 amended by adding at the end the following new para-  
16 graph:

17 “(3) The prohibition in this subsection (including the  
18 prohibition as it relates to a member of the National  
19 Guard while not in Federal service) shall apply to—

20 “(A) any work or study performed on or after  
21 September 7, 1962; and

22 “(B) any claim based on such work or study  
23 arising after that date.”.

1 **SEC. 604. ONE-YEAR EXTENSION OF PROHIBITION AGAINST**  
2 **REQUIRING CERTAIN INJURED MEMBERS TO**  
3 **PAY FOR MEALS PROVIDED BY MILITARY**  
4 **TREATMENT FACILITIES.**

5 (a) EXTENSION.—Section 402(h)(3) of title 37,  
6 United States Code, is amended by striking “December  
7 31, 2006” and inserting “December 31, 2007”.

8 (b) REPORT ON ADMINISTRATION OF PROHIBI-  
9 TION.—Not later than February 1, 2007, the Secretary  
10 of Defense shall submit to the congressional defense com-  
11 mittees a report on the administration of section  
12 402(h)(3) of title 37, United States Code (as amended by  
13 subsection (a)). The report shall include—

- 14 (1) a description and assessment of the mecha-  
15 nisms used by the military departments to imple-  
16 ment the prohibition contained in such section; and  
17 (2) such recommendations as the Secretary con-  
18 siders appropriate regarding making such prohibi-  
19 tion permanent.

20 **SEC. 605. ADDITIONAL HOUSING ALLOWANCE FOR RE-**  
21 **SERVES ON ACTIVE DUTY IN SUPPORT OF A**  
22 **CONTINGENCY OPERATION.**

23 (a) IN GENERAL.—Section 403(g) of title 37, United  
24 States Code, is amended—

- 25 (1) by redesignating paragraphs (2), (3), and  
26 (4) as paragraphs (3), (4), and (5), respectively;



1           (2) by inserting after paragraph (1) the fol-  
2       lowing new paragraph (2):

3       “(2)(A) Under regulations prescribed by the Sec-  
4       retary of Defense and the Secretary of Homeland Security  
5       with respect to the Coast Guard when it is not operating  
6       as a service in the Department of the Navy, the Secretary  
7       concerned may authorize payment of a housing allowance  
8       to a member described in paragraph (1) at a monthly rate  
9       equal to the rate of the basic allowance for housing under  
10      subsection (b) or the overseas basic allowance for housing  
11      under subsection (c), whichever applies to that location,  
12      for members of the regular components at that location  
13      in the same grade without dependents.

14      “(B) A member may concurrently receive a basic al-  
15      lowance for housing under paragraph (1) and a housing  
16      allowance under this paragraph, but may not receive the  
17      portion of the allowance, if any, authorized under section  
18      404 of this title for lodging expenses if a housing allow-  
19      ance is authorized to be paid under this paragraph.”; and

20           (3) in paragraph (3), as so redesignated, by  
21      striking “Paragraph (1)” and inserting “Paragraphs  
22      (1) and (2)”.

23      (b) EFFECTIVE DATE.—The amendments made by  
24      subsection (a) shall take effect on October 1, 2006, and

1 shall apply with respect to months beginning on or after  
2 that date.

3 **SEC. 606. EXTENSION OF TEMPORARY CONTINUATION OF**  
4 **HOUSING ALLOWANCE FOR DEPENDENTS OF**  
5 **MEMBERS DYING ON ACTIVE DUTY TO**  
6 **SPOUSES WHO ARE MEMBERS OF THE UNI-**  
7 **FORMED SERVICES.**

8 (a) IN GENERAL.—Section 403(l) of title 37, United  
9 States Code, is amended—

10 (1) by redesignating paragraph (3) as para-  
11 graph (4);

12 (2) by inserting after paragraph (2) the fol-  
13 lowing new paragraph (3):

14 “(3) A member of the uniformed services who is the  
15 spouse of a deceased member described in paragraph (2)  
16 may be paid a basic allowance for housing as provided for  
17 in that paragraph. An allowance paid under this para-  
18 graph is in addition to any other pay and allowances to  
19 which the member of the uniformed services is entitled  
20 under any other provision of law.”; and

21 (3) in paragraph (4), as so redesignated, by  
22 striking “(2)” and inserting “(2) or (3)”.

23 (b) EFFECTIVE DATE.—The amendments made by  
24 this section shall take effect on October 1, 2006, and shall

1 apply with respect to deaths occurring on or after that  
2 date.

3 **Subtitle B—Bonuses and Special**  
4 **and Incentive Pays**

5 **SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL**  
6 **PAY AUTHORITIES FOR RESERVE FORCES.**

7 (a) SELECTED RESERVE REENLISTMENT BONUS.—  
8 Section 308b(g) of title 37, United States Code, is amend-  
9 ed by striking “December 31, 2006” and inserting “De-  
10 cember 31, 2007”.

11 (b) SELECTED RESERVE AFFILIATION OR ENLIST-  
12 MENT BONUS.—Section 308c(i) of such title is amended  
13 by striking “December 31, 2006” and inserting “Decem-  
14 ber 31, 2007”.

15 (c) SPECIAL PAY FOR ENLISTED MEMBERS AS-  
16 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section  
17 308d(c) of such title is amended by striking “December  
18 31, 2006” and inserting “December 31, 2007”.

19 (d) READY RESERVE ENLISTMENT BONUS FOR PER-  
20 SONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of  
21 such title is amended by striking “December 31, 2006”  
22 and inserting “December 31, 2007”.

23 (e) READY RESERVE ENLISTMENT AND REENLIST-  
24 MENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Sec-

tion 308h(e) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(f) **SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.**—Section 308i(f) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

**SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.**

(a) **NURSE OFFICER CANDIDATE ACCESSION PROGRAM.**—Section 2130a(a)(1) of title 10, United States Code, is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(b) **REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.**—Section 16302(d) of such title is amended by striking “January 1, 2007” and inserting “January 1, 2008”.

(c) **ACCESSION BONUS FOR REGISTERED NURSES.**—Section 302d(a)(1) of title 37, United States Code, is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(d) **INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.**—Section 302e(a)(1) of such title is amended

1 by striking “December 31, 2006” and inserting “Decem-  
2 ber 31, 2007”.

3 (e) SPECIAL PAY FOR SELECTED RESERVE HEALTH  
4 PROFESSIONALS IN CRITICALLY SHORT WARTIME SPE-  
5 CIALTIES.—Section 302g(e) of such title is amended by  
6 striking “December 31, 2006” and inserting “December  
7 31, 2007”.

8 (f) ACCESSION BONUS FOR DENTAL OFFICERS.—  
9 Section 302h(a)(1) of such title is amended by striking  
10 “December 31, 2006” and inserting “December 31,  
11 2007”.

12 (g) ACCESSION BONUS FOR PHARMACY OFFICERS.—  
13 Section 302j(a) of such title is amended by striking “De-  
14 cember 31, 2006” and inserting “December 31, 2007”.

15 **SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AU-**  
16 **THORITIES FOR NUCLEAR OFFICERS.**

17 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-  
18 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section  
19 312(e) of title 37, United States Code, is amended by  
20 striking “December 31, 2006” and inserting “December  
21 31, 2007”.

22 (b) NUCLEAR CAREER ACCESSION BONUS.—Section  
23 312b(c) of such title is amended by striking “December  
24 31, 2006” and inserting “December 31, 2007”.

1       (c) NUCLEAR CAREER ANNUAL INCENTIVE  
 2 BONUS.—Section 312c(d) of such title is amended by  
 3 striking “December 31, 2006” and inserting “December  
 4 31, 2007.”

5 **SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAY-**  
 6 **MENT OF OTHER BONUSES AND SPECIAL**  
 7 **PAYS.**

8       (a) AVIATION OFFICER RETENTION BONUS.—Sec-  
 9 tion 301b(a) of title 37, United States Code, is amended  
 10 by striking “December 31, 2006” and inserting “Decem-  
 11 ber 31, 2007”.

12       (b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g)  
 13 of such title is amended by striking “December 31, 2007”  
 14 and inserting “December 31, 2008”.

15       (c) REENLISTMENT BONUS FOR ACTIVE MEM-  
 16 BERS.—Section 308(g) of such title is amended by strik-  
 17 ing “December 31, 2006” and inserting “December 31,  
 18 2007”.

19       (d) ENLISTMENT BONUS.—Section 309(e) of such  
 20 title is amended by striking “December 31, 2006” and in-  
 21 serting “December 31, 2007”.

22       (e) RETENTION BONUS FOR MEMBERS WITH CRIT-  
 23 ICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY  
 24 UNITS.—Section 323(i) of such title is amended by strik-

1 ing “December 31, 2006” and inserting “December 31,  
2 2007”.

3 (f) ACCESSION BONUS FOR NEW OFFICERS IN CRIT-  
4 ICAL SKILLS.—Section 324(g) of such title is amended by  
5 striking “December 31, 2006” and inserting “December  
6 31, 2007”.

7 (g) INCENTIVE BONUS FOR CONVERSION TO MILI-  
8 TARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL  
9 SHORTAGE.—Section 326(g) of such title is amended by  
10 striking “December 31, 2006” and inserting “December  
11 31, 2007”.

12 (h) INCENTIVE BONUS FOR TRANSFER BETWEEN  
13 THE ARMED FORCES.—Section 327(h) of such title is  
14 amended by striking “December 31, 2006” and inserting  
15 “December 31, 2009”.

16 **SEC. 615. INCREASE IN SPECIAL PAY FOR SELECTED RE-**  
17 **SERVE HEALTH CARE PROFESSIONALS IN**  
18 **CRITICALLY SHORT WARTIME SPECIALTIES.**

19 INCREASE IN SPECIAL PAY.—Section 302g(a) of title  
20 37, United States Code, is amended by striking “\$10,000”  
21 and inserting “\$25,000”.

22 (b) EFFECTIVE DATE.—The amendment made by  
23 subsection (a) shall take effect on October 1, 2006, and  
24 shall apply to written agreements entered into under sec-

tion 302g of title 37, United States Code, on or after that date.

**SEC. 616. EXPANSION AND ENHANCEMENT OF ACCESSION  
BONUS AUTHORITIES FOR CERTAIN OFFI-  
CERS IN HEALTH CARE SPECIALITIES.**

(a) INCREASE IN ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(2) of title 37, United States Code, is amended by striking “\$30,000” and inserting “\$200,000”.

(b) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALITIES.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302j the following new section:

**“§ 302k. Special pay: accession bonus for medical officers in critically short wartime specialties**

“(a) ACCESSION BONUS AUTHORIZED.—(1) A person who is a graduate of an accredited school of medicine or osteopathy in a specialty described in subsection (c) and who executes a written agreement described in subsection (d) to accept a commission as an officer of the Armed Forces and remain on active duty for a period of not less than four consecutive years may, upon the acceptance of the agreement by the Secretary concerned, be paid an ac-



1 cession bonus in the amount determined by the Secretary  
2 concerned.

3 “(2) The amount of an accession bonus under para-  
4 graph (1) may not exceed \$400,000.

5 “(b) LIMITATION ON ELIGIBILITY FOR BONUS.—A  
6 person may not be paid a bonus under subsection (a) if—

7 “(1) the person, in exchange for an agreement  
8 to accept an appointment as an officer, received fi-  
9 nancial assistance from the Department of Defense  
10 to pursue a course of study in medicine or osteop-  
11 athy; or

12 “(2) the Secretary concerned determines that  
13 the person is not qualified to become and remain  
14 certified as a doctor or osteopath in a specialty de-  
15 scribed in subsection (c).

16 “(c) COVERED SPECIALTIES.—A specialty described  
17 in this subsection is a specialty designated by regulations  
18 as a critically short wartime specialty.

19 “(d) AGREEMENT.—The agreement referred to in  
20 subsection (a) shall provide that, consistent with the needs  
21 of the armed service concerned, the person executing the  
22 agreement will be assigned to duty, for the period of obli-  
23 gated service covered by the agreement, as an officer of  
24 the Medical Corps of the Army or the Navy or as an offi-

cer of the Air Force designated as a medical officer in  
a specialty described in subsection (c).

“(e) REPAYMENT.—A person who, after executing an  
agreement under subsection (a) is not commissioned as  
an officer of the armed forces, does not become licensed  
as a doctor or osteopath, as the case may be, or does not  
complete the period of active duty in a specialty specified  
in the agreement, shall be subject to the repayment provi-  
sions of section 303a(e) of this title.

“(f) TERMINATION OF AUTHORITY.—No agreement  
under this section may be entered into after December 31,  
2007.”.

(c) ACCESSION BONUS FOR DENTAL SPECIALIST OF-  
FICERS IN CRITICALLY SHORT WARTIME SPECIALITIES.—  
Chapter 5 of title 37, United States Code, as amended  
by subsection (b), is further amended by inserting after  
section 302k the following new section:

**“§ 302l. Special pay: accession bonus for dental spe-  
cialist officers in critically short wartime  
specialties**

“(a) ACCESSION BONUS AUTHORIZED.—(1) A person  
who is a graduate of an accredited dental school in a spe-  
cialty described in subsection (c) and who executes a writ-  
ten agreement described in subsection (d) to accept a com-  
mission as an officer of the Armed Forces and remain on

1 active duty for a period of not less than four consecutive  
2 years may, upon the acceptance of the agreement by the  
3 Secretary concerned, be paid an accession bonus in the  
4 amount determined by the Secretary concerned.

5 “(2) The amount of an accession bonus under para-  
6 graph (1) may not exceed \$400,000.

7 “(b) LIMITATION ON ELIGIBILITY FOR BONUS.—A  
8 person may not be paid a bonus under subsection (a) if—

9 “(1) the person, in exchange for an agreement  
10 to accept an appointment as an officer, received fi-  
11 nancial assistance from the Department of Defense  
12 to pursue a course of study in dentistry; or

13 “(2) the Secretary concerned determines that  
14 the person is not qualified to become and remain  
15 certified as a dentist in a specialty described in sub-  
16 section (c).

17 “(c) COVERED SPECIALTIES.—A specialty described  
18 in this subsection is a specialty designated by regulations  
19 as a critically short wartime specialty.

20 “(d) AGREEMENT.—The agreement referred to in  
21 subsection (a) shall provide that, consistent with the needs  
22 of the armed service concerned, the person executing the  
23 agreement will be assigned to duty, for the period of obli-  
24 gated service covered by the agreement, as an officer of  
25 the Dental Corps of the Army or the Navy or as an officer

1 of the Air Force designated as a dental officer in a spe-  
 2 cialty described in subsection (c).

3 “(e) REPAYMENT.—A person who, after executing an  
 4 agreement under subsection (a) is not commissioned as  
 5 an officer of the armed forces, does not become licensed  
 6 as a dentist or does not complete the period of active duty  
 7 in a specialty specified in the agreement, shall be subject  
 8 to the repayment provisions of section 303a(e) of this title.

9 “(f) COORDINATION WITH OTHER ACCESSION  
 10 BONUS AUTHORITY.—A person eligible to execute an  
 11 agreement under both subsection (a) and section 302h of  
 12 this title shall elect which authority to execute the agree-  
 13 ment under. A person may not execute an agreement  
 14 under both subsection (a) and such section 302h.

15 “(g) TERMINATION OF AUTHORITY.—No agreement  
 16 under this section may be entered into after December 31,  
 17 2007.”.

18 (d) CLERICAL AMENDMENT.—The table of sections  
 19 at the beginning of chapter 5 of such title is amended by  
 20 inserting after the item relating to section 302j the fol-  
 21 lowing new item:

“302k. Special pay: accession bonus for medical officers in critically short war-  
 time specialties.

“302l. Special pay: accession bonus for dental specialist officers in critically  
 short wartime specialties.”.

22 (e) EFFECTIVE DATE.—The amendments made by  
 23 this section shall take effect on October 1, 2006.

1 **SEC. 617. INCREASE IN NUCLEAR CAREER ACCESSION**  
2 **BONUS FOR NUCLEAR-QUALIFIED OFFICERS.**

3 (a) INCREASE.—Section 312b(a)(1) of title 37,  
4 United States Code, is amended by striking “\$20,000”  
5 and inserting “\$30,000”.

6 (b) EFFECTIVE DATE.—The amendment made by  
7 subsection (a) shall take effect on October 1, 2006, and  
8 shall apply with respect to agreements under section 312b  
9 of title 37, United States Code, entered into on or after  
10 that date.

11 **SEC. 618. MODIFICATION OF CERTAIN AUTHORITIES APPLI-**  
12 **CABLE TO THE TARGETED SHAPING OF THE**  
13 **ARMED FORCES.**

14 (a) VOLUNTARY SEPARATION PAY AND BENEFITS.

15 (1) INCREASE IN MAXIMUM AMOUNT OF PAY.—  
16 Subsection (f) of section 1175a of title 10, United  
17 States Code, is amended by striking “two times”  
18 and inserting “four times”.

19 (2) EXTENSION OF AUTHORITY.—Subsection  
20 (k)(1) of such section is amended by striking “De-  
21 cember 31, 2008” and inserting “December 31,  
22 2012”.

23 (3) REPEAL OF LIMITATION ON APPLICA-  
24 BILITY.—Subsection (b) of section 643 of the Na-  
25 tional Defense Authorization Act for Fiscal Year

1       2006 (Public Law 109–163; 119 Stat. 3310; 10  
2       U.S.C. 1175a note) is repealed.

3       (b) INCREASE IN AMOUNT OF INCENTIVE BONUS  
4       FOR TRANSFER BETWEEN ARMED FORCES.—Section  
5       327(d)(1) of title 37, United States Code, is amended by  
6       striking “\$2,500” and inserting “\$10,000”.

7       **SEC. 619. EXTENSION OF PILOT PROGRAM ON CONTRIBU-**  
8                               **TIONS TO THRIFT SAVINGS PLAN FOR INI-**  
9                               **TIAL ENLISTEES IN THE ARMY.**

10       (a) EXTENSION.—Subsection (a) of section 606 of  
11       the National Defense Authorization Act for Fiscal Year  
12       2006 (Public Law 109–163; 119 Stat. 3287; 37 U.S.C.  
13       211 note) is amended by striking “During fiscal year  
14       2006” and inserting “During the period beginning on  
15       January 6, 2006, and ending on December 31, 2008”.

16       (b) REPORT DATE.—Subsection (d)(1) of such sec-  
17       tion is amended by striking “February 1, 2007” and in-  
18       serting “February 1, 2008”.

## **Subtitle C—Travel and Transportation Allowances**

### **SEC. 631. EXPANSION OF PAYMENT OF REPLACEMENT VALUE OF PERSONAL PROPERTY DAMAGED DURING TRANSPORT AT GOVERNMENT EX- PENSE.**

(a) COVERAGE OF PROPERTY OF CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE.—Subsection (a) of section 2636a of title 10, United States Code, is amended by inserting “or civilian employees of the Department of Defense” after “members of the armed forces”.

(b) REQUIREMENT FOR PAYMENT.—Effective March 1, 2008, such subsection is further amended by striking “may include” and inserting “shall include”.

(c) REQUIREMENT FOR DEDUCTION UPON FAILURE OF CARRIER TO SETTLE.—Subsection (b) of such section is amended by striking “may be deducted” and inserting “shall be deducted”.

(d) CERTIFICATION ON FAMILIES FIRST PROGRAM.—The Secretary of Defense shall submit to the congressional defense committees a report containing the certifications of the Secretary on the following matters with respect to the program of the Department of Defense known as “Families First”:

1           (1) Whether there is an alternative to the sys-  
2       tem under the program that would provide equal or  
3       greater capability at less cost.

4           (2) Whether the estimates on costs, and the an-  
5       ticipated schedule and performance parameters, for  
6       the program and system are reasonable.

7           (3) Whether the management structure for the  
8       program is adequate to manage and control program  
9       costs.

10       (e) COMPTROLLER GENERAL REPORTS ON FAMILIES  
11   FIRST PROGRAM.—

12           (1) REVIEW.—The Comptroller General of the  
13       United States shall conduct a review and assessment  
14       of the progress of the Department of Defense in im-  
15       plementing the Families First program.

16           (2) ELEMENTS.—In conducting the review and  
17       assessment required by paragraph (1), the Comp-  
18       troller General shall—

19                (A) assess the progress of the Department  
20       in achieving the goals of the Families First pro-  
21       gram, including progress in the development  
22       and deployment of the Defense Personal Prop-  
23       erty System;

24                (B) assess the organization, staffing, re-  
25       sources, and capabilities of the Defense Per-



1           sonal Property System Project Management Of-  
2           fice established on April 7, 2006;

3           (C) evaluate the growth in cost of the pro-  
4           gram since the previous assessment of the pro-  
5           gram by the Comptroller General, and estimate  
6           the current annual cost of the Defense Personal  
7           Property System and each component of that  
8           system; and

9           (D) assess the feasibility of implementing  
10          processes and procedures, pending the satisfac-  
11          tory development of the Defense Personal Prop-  
12          erty System, which would achieve the goals of  
13          the program of providing improved personal  
14          property management services to members of  
15          the Armed Forces.

16          (3) REPORTS.—The Comptroller General shall  
17          submit to the Committees on Armed Services of the  
18          Senate and the House of Representatives reports as  
19          follows:

20                (A) An interim report on the review and  
21                assessment required by paragraph (1) not later  
22                than December 1, 2006.

23                (B) A final report on the review and as-  
24                sessment by not later than June 1, 2007.

## **Subtitle D—Retired Pay and Survivor Benefits**

### **SEC. 641. MODIFICATION OF DEPARTMENT OF DEFENSE CONTRIBUTIONS TO MILITARY RETIREMENT FUND AND GOVERNMENT CONTRIBUTIONS TO MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.**

(a) DEPARTMENT OF DEFENSE MILITARY RETIRE-  
MENT FUND.—

(1) DETERMINATION OF CONTRIBUTIONS.—

Section 1465 of title 10, United States Code, is  
amended—

(A) in subsection (b)(1)—

(i) in subparagraph (A)(ii)—

(I) by striking “(other than ac-  
tive duty for training)”;

(II) by striking “(other than full-  
time National Guard duty for training  
only)”; and

(III) by inserting before the pe-  
riod at the end the following: “, ex-  
cept that amounts expected to be paid  
to members who would be excluded  
from counting for active-duty end  
strength purposes by section 115(i) of

- 1 this title for duty covered by such sec-  
 2 tion shall be excluded”; and  
 3 (ii) in subparagraph (B)(ii)—  
 4 (I) by striking “Ready Reserve”  
 5 and inserting “Selected Reserve”; and  
 6 (II) by striking “and other than  
 7 members on full-time National Guard  
 8 duty other than for training) who  
 9 are” and inserting “) for duty”; and  
 10 (B) in subsection (c)(1)—  
 11 (i) in subparagraph (A)—  
 12 (I) by striking “(other than ac-  
 13 tive duty for training)”;  
 14 (II) by striking “(other than full-  
 15 time National Guard duty for training  
 16 only)”; and  
 17 (III) by inserting “other than  
 18 members who would be excluded from  
 19 counting for active-duty end strength  
 20 purposes by section 115(i) of this title  
 21 for duty covered by such section,”  
 22 after “full-time National Guard  
 23 duty,”; and  
 24 (ii) in subparagraph (B)—

1 (I) by striking “Ready Reserve”  
 2 and inserting “Selected Reserve”; and  
 3 (II) by striking “and other than  
 4 members on full-time National Guard  
 5 duty other than for training) who  
 6 are” and inserting “( ) for duty”.

7 (2) PAYMENTS.—Section 1466(a) of such title  
 8 is amended—

9 (A) in paragraph (1)(B)—

10 (i) by striking “(other than active  
 11 duty for training)”;

12 (ii) by striking “(other than full-time  
 13 National Guard duty for training only)”;  
 14 and

15 (iii) by inserting before the period at  
 16 the end the following: “, except that  
 17 amounts accrued for that month by mem-  
 18 bers who would be excluded from counting  
 19 for active-duty end strength purposes by  
 20 section 115(i) of this title for duty covered  
 21 by such section shall be excluded”; and

22 (B) in paragraph (2)(B)—

23 (i) by striking “Ready Reserve” and  
 24 inserting “Selected Reserve”; and

1 (ii) by striking “and other than mem-  
 2 bers on full-time National Guard duty  
 3 other than for training) who are” and in-  
 4 serting “) for duty”.

5 (b) DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE  
 6 RETIREE HEALTH CARE FUND.—

7 (1) EXCLUSION OF CADETS AND MIDSHIPMEN  
 8 FROM TREATMENT ON ACTIVE DUTY.—Section  
 9 1111(b) of such title is amended by adding at the  
 10 end the following new paragraph:

11 “(5) The term ‘members of the uniformed serv-  
 12 ices on active duty’ does not include a cadet at the  
 13 United States Military Academy, the United States  
 14 Air Force Academy, or the United States Coast  
 15 Guard Academy, or a midshipman at the United  
 16 States Naval Academy.”.

17 (2) DETERMINATION OF CONTRIBUTIONS.—  
 18 Section 1115 of such title is amended—

19 (A) in subsection (b)—

20 (i) in paragraph (1)(B)—

21 (I) by striking “(other than ac-  
 22 tive duty for training)”;

23 (II) by striking “(other than full-  
 24 time National Guard duty for training  
 25 only)”;

1 (III) by inserting before the pe-  
2 riod at the end the following: “, other  
3 than members who would be excluded  
4 from counting for active-duty end  
5 strength purposes by section 115(i) of  
6 this title for duty covered by such sec-  
7 tion”; and

8 (ii) in paragraph (2)(B)—

9 (I) by striking “Ready Reserve”  
10 and inserting “Selected Reserve”; and

11 (II) by striking “other than  
12 members on full-time National Guard  
13 duty other than for training”; and

14 (B) in subsection (c)(1)—

15 (i) in subparagraph (A)—

16 (I) by striking “(other than ac-  
17 tive duty for training)”; and

18 (II) by striking “(other than full-  
19 time National Guard duty for training  
20 only)”; and

21 (III) by inserting before the  
22 semicolon the following: “, other than  
23 members who would be excluded from  
24 counting for active-duty end strength

1 purposes by section 115(i) of this title  
 2 for duty covered by such section”; and  
 3 (ii) in subparagraph (B)—

4 (I) by striking “Ready Reserve”  
 5 and inserting “Selected Reserve”; and

6 (II) by striking “(other than  
 7 members on full-time National Guard  
 8 duty other than for training)”.

9 (c) EFFECTIVE DATE.—The amendments made by  
 10 this section shall take effect on October 1, 2007.

11 **SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF**  
 12 **SBP SURVIVOR ANNUITIES BY DEPENDENCY**  
 13 **AND INDEMNITY COMPENSATION.**

14 (a) REPEAL.—Subchapter II of chapter 73 of title  
 15 10, United States Code is amended—

16 (1) in section 1450(c)(1), by inserting after “to  
 17 whom section 1448 of this title applies” the fol-  
 18 lowing: “(except in the case of a death as described  
 19 in subsection (d) or (f) of such section)”; and

20 (2) in section 1451(c)—

21 (A) by striking paragraph (2); and

22 (B) by redesignating paragraphs (3) and  
 23 (4) as paragraphs (2) and (3), respectively.

24 (b) PROHIBITION ON RETROACTIVE BENEFITS.—No  
 25 benefits may be paid to any person for any period before

1 the effective date provided under subsection (e) by reason  
2 of the amendments made by subsection (a).

3 (c) RETURN OF SBP PREMIUMS PREVIOUSLY RE-  
4 FUNDED TO SBP RECIPIENTS.—

5 (1) RETURN OF CERTAIN REFUNDED AMOUNTS  
6 REQUIRED.—Under regulations prescribed by the  
7 Secretary of Defense, a surviving spouse who is or  
8 has been in receipt of an annuity under the Survivor  
9 Benefit Plan under subchapter II of chapter 73 of  
10 title 10, United States Code, that is in effect before  
11 the effective date provided under subsection (e) and  
12 that is adjusted by reason of the amendments made  
13 by subsection (a) and who has received a refund of  
14 retired pay under section 1450(e) of title 10, United  
15 States Code, shall be required to repay such refund  
16 to the United States.

17 (2) TERMS AND CONDITIONS.—A surviving  
18 spouse repaying a refund to the United States under  
19 this subsection shall not be required to pay the  
20 United States any interest that would otherwise ac-  
21 crue or have accrued on any balance of such refund  
22 while such balance remains unpaid to the United  
23 States under this subsection. The amount repayable  
24 to the United States shall be repayable in a lump  
25 sum or over a period of years (not to exceed 10



1 years) agreed to by the surviving spouse or specified  
2 by the Secretary of Defense, in the absence of such  
3 an agreement.

4 (3) WAIVER OF REPAYMENT.—The Secretary of  
5 Defense may waive the repayment of a refund under  
6 this subsection if the Secretary determines that—

7 (A) hardship or other circumstances make  
8 repayment of such refund unwarranted;

9 (B) repayment of such refund would other-  
10 wise not be in the best interests of the United  
11 States.

12 (d) RECONSIDERATION OF OPTIONAL ANNUITY.—  
13 Section 1448(d)(2)B) of title 10, United States Code, is  
14 amended by adding at the end the following new sen-  
15 tences: “The surviving spouse, however, may elect to ter-  
16 minate an annuity under this subparagraph in accordance  
17 with regulations prescribed by the Secretary concerned.  
18 Upon such an election, payment of an annuity to depend-  
19 ent children under this subparagraph shall terminate ef-  
20 fective on the first day of the first month that begins after  
21 the date on which the Secretary concerned receives notice  
22 of the election, and, beginning on that day, an annuity  
23 shall be paid to the surviving spouse under paragraph (1)  
24 instead.”.

1 (e) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect on the later of—

3 (1) the first day of the first month that begins  
4 after the date of the enactment of this Act; or

5 (2) the first day of the fiscal year that begins  
6 in the calendar year in which this Act is enacted.

7 **SEC. 643. EFFECTIVE DATE OF PAID-UP COVERAGE UNDER**  
8 **SURVIVOR BENEFIT PLAN.**

9 Section 1452(j) of title 10, United States Code, is  
10 amended by striking “October 1, 2008” and inserting  
11 “October 1, 2006”.

12 **SEC. 644. EXPANSION OF CONDITIONS FOR DIRECT PAY-**  
13 **MENT OF DIVISIBLE RETIRED PAY.**

14 (a) REPEAL OF CERTAIN CONDITION.—Section  
15 1408(d) of title 10, United States Code, is amended—

16 (1) by striking paragraph (2); and

17 (2) by redesignating paragraphs (3) through  
18 (7) as paragraphs (2) through (6), respectively.

19 (b) EFFECTIVE DATE.—

20 (1) IN GENERAL.—The amendments made by  
21 subsection (a) shall take effect on the first day of  
22 the first month that begins more than 120 days  
23 after the date of the enactment of this Act.

24 (2) PROHIBITION ON RETROACTIVE PAY-  
25 MENTS.—No payment may be made under section

1       1408(d) of title 10, United States Code, to or for  
 2       the benefit of any person covered by paragraph (2)  
 3       of such section (as in effect on the day before the  
 4       effective date specified in paragraph (1)) for any pe-  
 5       riod before such effective date.

6   **SEC. 645. AUTHORITY FOR COST OF LIVING ADJUSTMENTS**  
 7                   **OF RETIRED PAY TREATED AS DIVISIBLE**  
 8                   **PROPERTY.**

9       (a) IN GENERAL.—Section 1408 of title 10, United  
 10   States Code, is amended—

11           (1) by redesignating subsections (i), (j), and (k)  
 12       as subsections (j), (k), and (l), respectively; and

13           (2) by inserting after subsection (h) the fol-  
 14       lowing new subsection (i):

15       “(i) COST OF LIVING ADJUSTMENTS OF DIVISIBLE  
 16   PROPERTY.—A court order under subsection (a)(2)(C)  
 17   may provide for the adjustment of the amount, if ex-  
 18   pressed in dollars, payable from the disposable retired pay  
 19   of a member at the same time and in the same manner  
 20   as retired pay is adjusted to reflect changes in the Con-  
 21   sumer Price Index under section 1401a of this title.”.

22       (b) EFFECTIVE DATE.—The amendments made by  
 23   subsection (a) shall take effect on the date of the enact-  
 24   ment of this Act, and shall apply with respect to court

1 orders that become effective after the end of the 90-day  
2 period beginning on the date of enactment of this Act.

3 **SEC. 646. NOTICE AND COPY TO MEMBERS OF COURT OR-**  
4 **DERS ON PAYMENT OF RETIRED PAY.**

5 (a) WAIVER OF NOTICE.—Subsection (g) of section  
6 1408 of title 10, United States Code, is amended—

7 (1) by inserting “(1)” before “A person”; and  
8 (2) by adding at the end the following new  
9 paragraph:

10 “(2) A member may waive receipt of notice on a court  
11 order otherwise required by paragraph (1). The waiver  
12 shall take such form and include such requirements as the  
13 Secretary concerned may prescribe.”.

14 (b) COPY OF COURT ORDER UPON REQUEST.—Such  
15 subsection is further amended—

16 (1) in paragraph (1), as designated by sub-  
17 section (a)(1) of this section, by striking “(together  
18 with a copy of such order)”; and

19 (2) by adding at the end the following new  
20 paragraph:

21 “(3) Upon the request of a member, written notice  
22 of a court order under paragraph (1) shall include a copy  
23 of the court order.”.

24 (c) EFFECTIVE DATE.—The amendments made by  
25 this section shall take effect on the date that is 90 days

1 after the date of the enactment of this Act, and shall apply  
 2 with respect to court orders received on or after such date.

3 **SEC. 647. RETENTION OF ASSISTIVE TECHNOLOGY AND DE-**  
 4 **VICES BY CERTAIN MEMBERS OF THE ARMED**  
 5 **FORCES AFTER SEPARATION FROM SERVICE.**

6 (a) RETENTION AUTHORIZED.—Chapter 58 of title  
 7 10, United States Code, is amended by adding at the end  
 8 the following new section:

9 **“§ 1154. Retention of assistive technology and devices**  
 10 **provided before separation**

11 “(a) IN GENERAL.—Under regulations prescribed by  
 12 the Secretary of Defense, a member of the armed forces  
 13 who is provided an assistive technology or assistive tech-  
 14 nology device while a member of the armed forces for a  
 15 severe or debilitating illness or injury incurred or aggra-  
 16 vated by such member on active duty may retain such as-  
 17 sistive technology or assistive technology device after sepa-  
 18 ration from the armed forces.

19 “(b) DEFINITIONS.—In this section, the terms ‘as-  
 20 sistive technology’ and ‘assistive technology device’ have  
 21 the meaning given such terms in section 3 of the Assistive  
 22 Technology Act of 1998 (29 U.S.C. 3002).”.

23 (b) CLERICAL AMENDMENT.—The table of sections  
 24 at the beginning of chapter 58 of such title is amended  
 25 by adding at the end the following new item:

“1154. Retention of assistive technology and devices provided before separation.”.

## **Subtitle E—Other Matters**

### **SEC. 661. AUDIT OF PAY ACCOUNTS OF MEMBERS OF THE ARMY EVACUATED FROM A COMBAT ZONE FOR INPATIENT CARE.**

#### **(a) AUDIT REQUIRED.—**

(1) IN GENERAL.—The Secretary of the Army shall conduct a complete audit of the pay accounts of each member of the Army wounded or injured in a combat zone who was evacuated from a theater of operations for inpatient care during the period beginning on May 1, 2005, and ending on April 30, 2006.

(2) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the audit conducted under paragraph (1).

(3) REPORT ELEMENTS.—The report under paragraph (2) shall include the following:

(A) A list of each member of the Army described in paragraph (1) identified (in a manner that protects the privacy of members so listed) by—

1 (i) date of wound or injury on which  
2 inclusion of such member on the list is  
3 based; and

4 (ii) grade and unit designation as of  
5 such date.

6 (B) For each member so listed, a state-  
7 ment of any underpayment of each of any pay,  
8 allowance, or other monetary benefit to which  
9 such member was entitled during the period be-  
10 ginning on the date of such wound or injury  
11 and ending on April 30, 2006, including basic  
12 pay, hazardous duty pay, imminent danger pay,  
13 basic allowance for housing, basic allowance for  
14 subsistence, any family separation allowance,  
15 any tax exclusion for combat duty, and any  
16 other pay, allowance, or monetary benefit to  
17 which such member was entitled during such  
18 period.

19 (C) For each member so listed, a state-  
20 ment of any disbursements made to correct un-  
21 derpayments made to such member as identified  
22 under subparagraph (B).

23 (D) For each member so listed, a state-  
24 ment of any debts to the United States col-  
25 lected or pending collection from such member.

1 (E) For each member so listed, a state-  
 2 ment of any reimbursements or debt relief  
 3 granted to such member for a debt identified  
 4 under subparagraph (D).

5 (F) For each member so listed who has ap-  
 6 plied to the United States for a relief of debt—

7 (i) a description of the nature of the  
 8 debt for which relief was applied; and

9 (ii) a description of the disposition of  
 10 the application, including, if granted, the  
 11 date of disbursement for relief granted,  
 12 and, if denied, the reasons for the denial.

13 (G) For each member so listed, a report of  
 14 any referral of such member to a collection or  
 15 credit agency.

16 (4) FORM.—The report under paragraph (2)  
 17 shall be in unclassified form, but may include a clas-  
 18 sified annex.

19 (b) ASSISTANCE WITH PAY OR ACCOUNT DIFFICUL-  
 20 TIES.—

21 (1) CALL ASSISTANCE CENTER.—Not later than  
 22 60 days after the date of the enactment of this Act,  
 23 the Secretary of Defense shall establish within the  
 24 Department of Defense an assistance center, acces-  
 25 sible by toll-free telephone call, through which a cov-



1       ered member of the Armed Forces, or the primary  
2       next of kin of such a member in the case of such  
3       a member who dies, may secure assistance in resolv-  
4       ing difficulties relating to the military pay or ac-  
5       counts of such member.

6               (2) REQUESTS FOR ASSISTANCE.—A request for  
7       assistance under paragraph (1) may be made—

8               (A) by a covered member of the Armed  
9       Forces; or

10              (B) by the primary next of kin on behalf  
11       of, or with respect to, a covered member of the  
12       Armed Forces.

13              (3) RESPONSE TO REQUESTS FOR ASSIST-  
14       ANCE.—The Secretary shall ensure that, in pro-  
15       viding assistance under paragraph (1) to a covered  
16       member of the Armed Forces or next of kin of such  
17       a member, personnel of the assistance center estab-  
18       lished under that paragraph—

19              (A) provide an initial response to the re-  
20       quest for assistance under paragraph (2) not  
21       later than 10 days after receipt of such request;  
22       and

23              (B) provide a final response to the request  
24       for assistance under that paragraph not later  
25       than 30 days after receipt of such request.

1           (4) COVERED MEMBER OF THE ARMED FORCES  
 2       DEFINED.—In this subsection, the term “covered  
 3       member of the Armed Forces” means a member of  
 4       the Armed Forces wounded or injured in a combat  
 5       zone who is evacuated from a theater of operations  
 6       for inpatient care.

7           **TITLE VII—HEALTH CARE**  
 8           **Subtitle A—Benefits Matters**

9       **SEC. 701. IMPROVED PROCEDURES FOR CANCER SCREEN-**  
 10           **ING FOR WOMEN.**

11       (a) PRIMARY AND PREVENTIVE HEALTH CARE  
 12       SERVICES AUTHORITY.—Section 1074d of title 10, United  
 13       States Code, is amended—

14           (1) in subsection (a)(1), by adding at the end  
 15       the following new sentence: “The services described  
 16       in paragraphs (1) and (2) of subsection (b) shall be  
 17       provided under such procedures and at such inter-  
 18       vals as the Secretary of Defense shall prescribe.”;  
 19       and

20           (2) in subsection (b), by striking paragraphs  
 21       (1) and (2) and inserting the following new para-  
 22       graphs:

23           “(1) Cervical cancer screening.

24           “(2) Breast cancer screening.”.

1 (b) TRICARE PROGRAM.—Section 1079(a)(2) of  
 2 such title is amended—

3 (1) in the matter preceding subparagraph (A),  
 4 by striking “the schedule of pap smears and mam-  
 5 mograms” and inserting “the schedule and method  
 6 of cervical cancer screenings and breast cancer  
 7 screenings”; and

8 (2) in subparagraph (B), by striking “pap  
 9 smears and mammograms” and inserting “cervical  
 10 and breast cancer screenings”.

11 **SEC. 702. NATIONAL MAIL-ORDER PHARMACY PROGRAM.**

12 (a) AVAILABILITY OF REFILLS OF MAINTENANCE-  
 13 TYPE MEDICATIONS SOLELY THROUGH PROGRAM.—

14 (1) IN GENERAL.—Subsection (a)(2) of section  
 15 1074g of title 10, United States Code, is amended—

16 (A) in subparagraph (E), by striking  
 17 “Pharmaceutical agents” and inserting “Except  
 18 as provided in subparagraph (F), pharma-  
 19 ceutical agents”; and

20 (B) by adding at the end the following new  
 21 subparagraph:

22 “(F)(i) Effective April 1, 2007, refills of maintenance  
 23 medications shall, except as provided under clause (ii), be  
 24 available to eligible covered beneficiaries solely through the

1 national mail-order pharmacy program referred to in sub-  
 2 paragraph (E)(iii).

3 “(ii) Under such regulations as the Secretary may  
 4 prescribe under this subparagraph, refills of a mainte-  
 5 nance medication may be available to covered eligible  
 6 beneficiaries through means other than the national mail-  
 7 order pharmacy program if clinical requirements make it  
 8 advisable that such medication be available to such bene-  
 9 ficiaries through such other means.

10 “(iii) The Secretary shall specify the pharmaceutical  
 11 agents constituting maintenance medications for purposes  
 12 of this subparagraph.”.

13 (2) CONFORMING AMENDMENT.—Subsection  
 14 (f)(1) of such section is amended by striking “sub-  
 15 section (a)(2)(E)” and inserting “subparagraphs (E)  
 16 and (F) of subsection (a)(2)”.

17 (b) PROHIBITION ON COPAYMENTS FOR CERTAIN  
 18 PHARMACEUTICALS AVAILABLE THROUGH PROGRAM.—  
 19 Subsection (a)(6) of such section is amended by adding  
 20 at the end the following new subparagraph:

21 “(C) In establishing the cost-sharing requirements,  
 22 the Secretary may not impose any copayment or cost-shar-  
 23 ing requirement with respect to the following:

24 “(i) Refills of generic medications.

1           “(ii) Brand name medications determined by a  
2           physician to be medically necessary.”.

3   **SEC. 703. AVAILABILITY UNDER TRICARE OF ANESTHESIA**  
4                   **FOR CHILDREN IN CONNECTION WITH DEN-**  
5                   **TAL PROCEDURES FOR WHICH DENTAL ANES-**  
6                   **THESIA IS INAPPROPRIATE.**

7           Section 1079(a)(1) of title 10, United States Code,  
8   is amended by inserting before the period at the end the  
9   following: “, except that, pursuant to such regulations as  
10   the Secretary of Defense may prescribe, hospitalization  
11   and professional services may be provided in connection  
12   with the anesthesia of a child under the age of six years  
13   for a dental procedure which, as determined by a qualified  
14   dental specialist, is necessary”.

15   **SEC. 704. TRICARE COVERAGE FOR FORENSIC EXAMINA-**  
16                   **TIONS FOLLOWING SEXUAL ASSAULTS AND**  
17                   **DOMESTIC VIOLENCE.**

18           Section 1079(a) of title 10, United States Code, is  
19   amended by adding at the end the following new para-  
20   graph:

21           “(17) Forensic examinations following a sexual  
22           assault or domestic violence may be provided.”.

1 **SEC. 705. PROHIBITION ON INCREASE IN FISCAL YEAR 2007**  
2 **IN ENROLLMENT FEES FOR COVERAGE**  
3 **UNDER TRICARE PRIME.**

4 (a) PROHIBITION.—Fees charged for enrollment in  
5 TRICARE Prime may not be increased during fiscal year  
6 2007.

7 (b) TRICARE PRIME DEFINED.—In this section, the  
8 term “TRICARE Prime” means the managed care option  
9 of the TRICARE program.

10 **SEC. 706. LIMITATION ON FISCAL YEAR 2007 INCREASE IN**  
11 **PREMIUMS FOR COVERAGE UNDER TRICARE**  
12 **OF MEMBERS OF RESERVE COMPONENTS**  
13 **WHO COMMIT TO CONTINUED SERVICE IN SE-**  
14 **LECTED RESERVE AFTER RELEASE FROM AC-**  
15 **TIVE DUTY.**

16 Any premium charged under subsection (d) of section  
17 1076d of title 10, United States Code, for coverage under  
18 TRICARE of members of reserve components who commit  
19 to continued service in the Selected Reserve after release  
20 from active duty, as authorized by subsection (a) of such  
21 section, may not be increased during fiscal year 2007 by  
22 an amount which exceeds 2.2 percent of such premium  
23 as of September 30, 2006.

1                   **Subtitle B—Planning,**  
2                   **Programming, and Management**

3   **SEC. 721. TREATMENT OF TRICARE RETAIL PHARMACY**  
4                   **NETWORK UNDER FEDERAL PROCUREMENT**  
5                   **OF PHARMACEUTICALS.**

6           Section 1074g of title 10, United States Code, is  
7   amended—

8                   (1) by redesignating subsections (f) and (g) as  
9           subsections (g) and (h), respectively; and

10                   (2) by inserting after subsection (e) the fol-  
11   lowing new subsection (f):

12           “(f) TRICARE RETAIL PHARMACY NETWORK.—The  
13   TRICARE Retail Pharmacy Network under the  
14   TRICARE program shall be treated as an element of the  
15   Department of Defense for purposes of the procurement  
16   of drugs by Federal agencies under section 8126 of title  
17   38 in connection with the provision by pharmacies in the  
18   Network of pharmaceutical services to eligible covered  
19   beneficiaries under this section.”.

20   **SEC. 722. RELATIONSHIP BETWEEN THE TRICARE PRO-**  
21                   **GRAM AND EMPLOYER-SPONSORED GROUP**  
22                   **HEALTH CARE PLANS.**

23           (a) IN GENERAL.—Chapter 55 of title 10, United  
24   States Code, is amended by inserting after section 1097b  
25   the following new section:

1 **“§ 1097c. TRICARE program: relationship with em-**  
2 **ployer-sponsored group health plans**

3 “(a) IN GENERAL.—(1) The TRICARE program is  
4 the secondary payer for any health care services provided  
5 by an employer to a TRICARE eligible employee of such  
6 employer, and the spouse of such employee, through any  
7 group health plan offered by such employer.

8 “(2) An employer shall provide that a TRICARE eli-  
9 gible employee of such employer, and the spouse of such  
10 employee, is entitled to benefits and services under the  
11 group health plan offered by such employer in the same  
12 manner and to the same extent as similarly situated em-  
13 ployees of such employer who are not TRICARE eligible  
14 employees.

15 “(3) An employer of a TRICARE eligible employee  
16 may not establish any condition applicable to the partici-  
17 pation of the employee in a group health plan offered by  
18 such employer in connection with the entitlement of the  
19 employee for health care services under the TRICARE  
20 program, including any condition on—

21 “(A) the eligibility of the employee for partici-  
22 pation in the plan; or

23 “(B) benefits or services available to the em-  
24 ployee under the plan.

25 “(b) PROHIBITION ON INCENTIVES FOR TRICARE  
26 ELIGIBLE EMPLOYEES NOT TO ENROLL OR TO



1 DISENROLL IN GROUP HEALTH PLANS.—(1) An employer  
2 may not offer a TRICARE eligible employee any financial  
3 or other benefit (including health services coverage that  
4 is supplemental to health services coverage under the  
5 TRICARE program) not to enroll, or to disenroll, in the  
6 group health plan offered by the employer in order to en-  
7 sure that the TRICARE program, rather than the plan,  
8 is the primary payer for health care services received by  
9 the employee.

10 “(2)(A) An employer who violates the prohibition in  
11 paragraph (1) shall be liable to the United States for a  
12 civil penalty in an amount not to exceed \$5,000 for each  
13 violation.

14 “(B) Any amounts collected under this paragraph  
15 shall be credited to the appropriation available for the  
16 TRICARE program for the fiscal year in which such  
17 amounts are collected.

18 “(3)(A) Except as provided in subparagraph (B), the  
19 provisions of section 1128A of the Social Security Act (42  
20 U.S.C. 1320a–7a), other than subsections (a) and (b) of  
21 such section 1128A, which provisions relate to procedures  
22 for the imposition of civil money penalties for certain viola-  
23 tions of the Social Security Act, shall apply to the imposi-  
24 tion of penalties under paragraph (2).

1       “(B) The Secretary of Defense may provide in the  
2 regulations prescribed under this section for the applica-  
3 tion to the imposition of penalties under paragraph (2)  
4 of procedural requirements specified in such regulations  
5 rather than the procedural requirements referred to in  
6 subparagraph (A). Any procedural requirements under  
7 such regulations shall be comparable to the procedural re-  
8 quirements referred to in subparagraph (A).

9       “(c) ELECTION OF TRICARE ELIGIBLE EMPLOYEES  
10 TO PARTICIPATE IN GROUP HEALTH PLAN.—A  
11 TRICARE eligible employee shall have the opportunity to  
12 elect to participate in the group health plan offered by  
13 the employer of the employee and receive primary coverage  
14 for health care services under the plan in the same manner  
15 and to the same extent as similarly situated employees of  
16 such employer who are not TRICARE eligible employees.

17       “(d) INAPPLICABILITY TO CERTAIN EMPLOYERS.—  
18 The provisions of this section do not apply to any employer  
19 who has fewer than 20 employees.

20       “(e) RETENTION OF ELIGIBILITY FOR COVERAGE  
21 UNDER TRICARE.—Nothing in this section, including an  
22 election made by a TRICARE eligible employee under sub-  
23 section (c), shall be construed to effect, modify, or termi-  
24 nate the eligibility of a TRICARE eligible employee or  
25 spouse of such employee for health care or dental services

1 under this chapter in accordance with the other provisions  
2 of this chapter.

3 “(f) COLLECTION OF INFORMATION.—(1) To improve  
4 the administration of this section, the Secretary of De-  
5 fense may utilize the authorities on collection of informa-  
6 tion set forth in paragraphs (1) and (2) of section 1095(k)  
7 of this title, including the authority in the second sentence  
8 of paragraph (2) of such section.

9 “(2) Information obtained pursuant to the use of the  
10 authorities in paragraph (1) may not be disclosed for any  
11 purpose of than to carry out the purpose of this section.

12 “(g) OUTREACH.—The Secretary of Defense shall, in  
13 coordination with the other administering Secretaries,  
14 conduct outreach to inform covered beneficiaries who are  
15 entitled to health care benefits under the TRICARE pro-  
16 gram of the rights and responsibilities of such bene-  
17 ficiaries and employers under this section.

18 “(h) REGULATIONS.—The Secretary of Defense shall  
19 prescribe regulations relating to the administration and  
20 enforcement of this section. The regulations shall be pre-  
21 scribed in consultation with the other administering Secre-  
22 taries and the Attorney General, as appropriate.

23 “(i) DEFINITIONS.—In this section:

24 “(1) The term ‘employer’ includes a State or  
25 unit of local government.

1           “(2) The term ‘group health plan’ means a  
2           group health plan (as that term is defined in section  
3           5000(b)(1) of the Internal Revenue Code of 1986  
4           without regard to section 5000(d) of the Internal  
5           Revenue Code of 1986).

6           “(3) The term ‘primary payer’ means a group  
7           health plan that provides a benefit that would be  
8           primary under section 1079(j)(1) or 1086(g) of this  
9           title.

10           “(4) The term ‘secondary payer’ means a plan  
11           or program whose medical benefits are payable only  
12           after a primary payer has provided medical benefits  
13           in accordance with applicable law and the plan of  
14           the primary payer.

15           “(5) The term ‘TRICARE eligible employee’  
16           means a covered beneficiary under section 1086 of  
17           this title entitled to health care benefits under the  
18           TRICARE program.

19           “(j) EFFECTIVE DATE.—This section shall take ef-  
20           fect on January 1, 2008.”.

21           (b) CLERICAL AMENDMENT.—The table of sections  
22           at the beginning of chapter 55 of such title is amended  
23           by inserting after the item relating to section 1097b the  
24           following new item:

          “1097c. TRICARE program: relationship with employer-sponsored group health  
  plans.”.

1 **SEC. 723. ENROLLMENT IN THE TRICARE PROGRAM.**

2 (a) SYSTEM OF ENROLLMENT REQUIRED.—Chapter  
3 55 of title 10, United States Code, is amended by inserting  
4 after section 1097c, as added by section 722(a) of this  
5 Act, the following new section:

6 **“§ 1097d. TRICARE program: system of enrollment**

7 “(a) ESTABLISHMENT OF SYSTEM.—Not later than  
8 October 1, 2007, the Secretary of Defense shall establish  
9 a universal system for enrollment of all beneficiaries who  
10 obtain health care services from military medical treat-  
11 ment facilities or civilian health care providers under the  
12 TRICARE program (in this section referred to as ‘parti-  
13 ciping beneficiaries’).

14 “(b) PURPOSES OF SYSTEM.—The purposes of the  
15 system required by subsection (a) shall be as follows:

16 “(1) To ensure the efficient administration of  
17 benefits under the TRICARE program, including  
18 the Standard option of TRICARE.

19 “(2) To ensure that the geographic distribution  
20 of healthcare providers under the TRICARE pro-  
21 gram meets the needs of participating beneficiaries  
22 for ready access to health care services under the  
23 program.

24 “(3) To promote the implementation of disease  
25 management and chronic care management pro-  
26 grams authorized by the National Defense Author-

1        ization Act for Fiscal Year 2007 and other provi-  
2        sions of law.

3        “(c) ELEMENTS.—The system required by subsection  
4        (a) shall be subject to the following:

5                “(1) Enrollment is required for all benefits op-  
6        tions under the TRICARE program.

7                “(2) A one-time enrollment fee (in the amount  
8        of \$25, in the case of an individual enrolling in self  
9        only coverage, or \$40, in the case of an individual  
10       enrolling in self and family coverage) may be col-  
11       lected for all participating beneficiaries who utilize  
12       the Standard option of TRICARE, except that such  
13       enrollment fee may not be collected from the fol-  
14       lowing:

15                “(A) Dependents of members of the armed  
16       forces on active duty.

17                “(B) Dependents of Reserves on extended  
18       active duty pursuant to a call or order to active  
19       duty of 30 days or more.

20                “(C) Participating beneficiaries who are  
21       also eligible for benefits under the Medicare  
22       program under title XVIII of the Social Secu-  
23       rity Act (42 U.S.C. 1395 et seq.).

1                   “(D) Participating beneficiaries enrolled in  
2                   TRICARE Reserve Select under section 1076d  
3                   of this title.

4                   “(3) Enrollment in the system may occur at  
5                   any time.

6                   “(4) Enrollment in the system shall be by a va-  
7                   riety of means utilizing a standard format.

8                   “(d) ADMINISTRATION.—The Secretary shall provide  
9                   for the administration of the system in each region of the  
10                  TRICARE program by the TRICARE Regional Director  
11                  for such region.

12                  “(e) HEALTH RISK ASSESSMENT.—(1) The Sec-  
13                  retary of Defense shall provide to each participating bene-  
14                  ficiary who enrolls in the system required by subsection  
15                  (a) a health risk assessment not later than 120 days after  
16                  the date of the enrollment of such participating beneficiary  
17                  in the system.

18                  “(2) The Secretary shall provide health risk assess-  
19                  ments under paragraph (1) by any means that the Sec-  
20                  retary considers appropriate for purposes of this section.

21                  “(f) CONSEQUENCES OF LACK OF PAYMENT OF EN-  
22                  ROLLMENT FEE.—(1) In the case of any participating  
23                  beneficiary who is subject to the payment of an enrollment  
24                  fee under the authority in subsection (c)(2), payment of  
25                  the enrollment fee shall, except as provided in paragraph

1 (2), be a condition for receipt of benefits under the  
2 TRICARE program.

3 “(2) The Secretary of Defense may waive the applica-  
4 bility of paragraph (1) to any participating beneficiary or  
5 class of participating beneficiaries if the Secretary deter-  
6 mines that the waiver is in the best interests of the United  
7 States.

8 “(g) COMMUNICATIONS AND OUTREACH WITH EN-  
9 ROLLEES.—(1) The Secretary of Defense shall, on a peri-  
10 odic basis but not less often than annually, provide to par-  
11 ticipating beneficiaries who are enrolled in the system re-  
12 quired by subsection (a) information on current matters  
13 relating to the TRICARE program, including information  
14 on benefits available under the TRICARE program and  
15 information on preventive health care services and other  
16 practices intended to promote health and wellness among  
17 such participating beneficiaries.

18 “(2) The Secretary shall, on a periodic basis, conduct  
19 surveys or otherwise collect information on participating  
20 beneficiaries enrolled in the system with respect to the fol-  
21 lowing:

22 “(A) The satisfaction of such beneficiaries who  
23 are participants in the option of the TRICARE pro-  
24 gram known as TRICARE Standard with the nature



1 and scope of, and access to, health care services  
2 under that option.

3 “(B) Other health care insurance, if any, that  
4 is available to such beneficiaries.

5 “(C) Any other matters that the Secretary con-  
6 siderers appropriate to improve health care benefits  
7 and access to health care services under the  
8 TRICARE program.

9 “(h) CONSULTATION.—The Secretary of Defense  
10 shall carry out this section in consultation with the other  
11 administering Secretaries.”.

12 (b) COMPTROLLER GENERAL REPORT ON SYSTEM.—  
13 Not later than September 15, 2007, the Comptroller Gen-  
14 eral of the United States shall submit to the congressional  
15 defense committees a report on the system of enrollment  
16 required by section 1097d of title 10, United States Code  
17 (as added by subsection (a)). The report shall include the  
18 following:

19 (1) An assessment of the progress made toward  
20 implementation of the system.

21 (2) A description and assessment of the inte-  
22 gration of the system with the regional business plan  
23 of the TRICARE Regional Offices.

1           (3) An assessment of the readiness of the De-  
 2       partment to implement the system by October 1,  
 3       2007.

4       (c) REPEAL OF SUPERSEDED AUTHORITY.—Section  
 5       1099 of title 10, United States Code, is repealed.

6       (d) CLERICAL AMENDMENTS.—The table of sections  
 7       at the beginning of chapter 55 of such title is amended—

8           (1) by inserting after the item relating to sec-  
 9       tion 1097c, as added by section 722(b) of this Act,  
 10      the following new item:

“1097d. TRICARE program: system of enrollment.”;

11      and

12           (2) by striking the item relating to section  
 13      1099.

14   **SEC. 724. INCENTIVE PAYMENTS FOR THE PROVISION OF**  
 15                           **SERVICES UNDER THE TRICARE PROGRAM IN**  
 16                           **MEDICALLY UNDERSERVED AREAS.**

17       (a) IN GENERAL.—Chapter 55 of title 10, United  
 18       States Code, is amended by inserting after section 1097d,  
 19       as added by section 723(a) of this Act, the following new  
 20       section:

21   **“§ 1097e. TRICARE program: incentive payments for**  
 22                           **provision of services in medically under-**  
 23                           **served areas**

24       “(a) INCENTIVE PAYMENTS AUTHORIZED.—(1)  
 25       Commencing with the calendar quarter beginning on Jan-

1 uary 1, 2008, the Secretary of Defense, after consultation  
2 with the other administering Secretaries, shall make in-  
3 centive payments under this section to physicians partici-  
4 pating in the TRICARE program in a medically under-  
5 served area.

6 “(2) Incentive payments payable under this section  
7 shall be paid with respect to physician professional serv-  
8 ices furnished in medically underserved areas.

9 “(3) The incentive payment payable under this sec-  
10 tion with respect to a physician professional service is in  
11 addition to any other amounts payable for such service  
12 under the TRICARE program.

13 “(b) MEDICALLY UNDERSERVED AREA.—For pur-  
14 poses of this section, a medically underserved area is ei-  
15 ther of the following:

16 “(1) A primary care scarcity county (with re-  
17 spect to a primary care physician) or specialist care  
18 scarcity county (with respect to any other physician)  
19 identified by the Secretary of Health and Human  
20 Services under section 1833(u)(4) of the Social Se-  
21 curity Act (42 U.S.C. 1395l(u)(4)).

22 “(2) A health professional shortage area identi-  
23 fied by the Secretary of Health and Human Services  
24 under section 1833(m)(1) of the Social Security Act  
25 (42 U.S.C. 1395l(m)(1)).

1       “(c) AMOUNT OF INCENTIVE PAYMENT.—The  
2 amount of the incentive payment payable under subsection  
3 (a) with respect to a physician professional service is as  
4 follows:

5           “(1) In the case of a service furnished by a pri-  
6 mary care physician in a primary care scarcity coun-  
7 ty or a service furnished by any other physician in  
8 a specialist care scarcity county covered by sub-  
9 section (b)(1), an amount equal to 5 percent of the  
10 amount payable for the service under the TRICARE  
11 program.

12          “(2) In the case of a service furnished in an  
13 area covered by subsection (b)(2), an amount equal  
14 to 10 percent of the amount payable for the service  
15 under the TRICARE program.

16          “(3) In the case of a service provided in a loca-  
17 tion that is covered by both paragraphs (1) and (2)  
18 of subsection (b), an amount equal to 15 percent of  
19 the amount payable for the service under the  
20 TRICARE program.

21       “(d) LOCATION OF PROVISION OF SERVICE.—(1) For  
22 purposes of identifying the location in which a physician  
23 professional service is furnished for purposes of this sec-  
24 tion, the Secretary of Defense shall use the 5-digit postal  
25 ZIP code system.

1       “(2) If the 5–digit postal ZIP code for an area covers  
 2 more than one county, the dominant county (as deter-  
 3 mined by the United States Postal Service or otherwise)  
 4 shall be used to determine whether the postal ZIP code  
 5 is in a scarcity county covered by subsection (b)(1).

6       “(e) FREQUENCY OF PAYMENT.—Incentive payments  
 7 payable under this section shall be paid on a quarterly  
 8 basis for incentive payments accrued during the previous  
 9 calendar quarter.

10       “(f) REGULATIONS.—The Secretary of Defense, in  
 11 consultation with the other administering Secretaries,  
 12 shall prescribe regulations for the administration of this  
 13 section.”.

14       (b) CLERICAL AMENDMENT.—The table of sections  
 15 at the beginning of chapter 55 of such title, as amended  
 16 by section 723(d)(1) of this Act, is further amended by  
 17 inserting after the item relating to section 1097d the fol-  
 18 lowing new item:

“1097e. TRICARE program: incentive payments for provision of services in  
 medically underserved areas.”.

19 **SEC. 725. STANDARDIZATION OF CLAIMS PROCESSING**  
 20 **UNDER TRICARE PROGRAM AND MEDICARE**  
 21 **PROGRAM.**

22       (a) IN GENERAL.—Effective October 1, 2007, the  
 23 claims processing requirements under the TRICARE pro-  
 24 gram on the matters described in subsection (b) shall be

1 identical to the claims processing requirements under the  
2 Medicare program on such matters.

3 (b) COVERED MATTERS.—The matters described in  
4 this subsection are as follows:

5 (1) The utilization of single or multiple provider  
6 identification numbers for purposes of the payment  
7 of health care claims by Department of Defense con-  
8 tractors.

9 (2) The documentation required to substantiate  
10 medical necessity for items and services that are cov-  
11 ered under both the TRICARE program and the  
12 Medicare program.

13 (c) IMMEDIATE COLLECTION FROM THIRD-PARTY  
14 PAYERS.—

15 (1) POLICY REQUIRED.—The Secretary of De-  
16 fense, in consultation with the other administering  
17 Secretaries, shall prescribe in regulations a policy for  
18 the collection of amounts from third-party payers as  
19 authorized by section 1095 of title 10, United States  
20 Code, immediately upon the presentation of claims  
21 for health care services to the Department of De-  
22 fense.

23 (2) OVERPAYMENT.—The policy required by  
24 subsection (a) shall include mechanisms for the

1       recoupment by third-party payers of amounts over-  
2       paid to the United States under the policy.

3       (d) ANNUAL REPORTS ON CLAIMS PROCESSING  
4 STANDARDIZATION.—

5           (1) IN GENERAL.—Not later than October 1,  
6       2007, and annually thereafter, the Secretary of De-  
7       fense shall submit to the congressional defense com-  
8       mittees a report setting forth a complete list of the  
9       claims processing requirements under the TRICARE  
10      program that differ from claims processing require-  
11      ments under the Medicare program.

12          (2) ELEMENTS.—Each report under paragraph  
13      (1) shall include, for each claims processing require-  
14      ment listed in such report, a business case that jus-  
15      tifies maintaining such requirement under the  
16      TRICARE program as a different claims processing  
17      requirement than that required under the Medicare  
18      program.

19      (e) DEFINITIONS.—In this section:

20          (1) The term “administering Secretaries” has  
21      the meaning given that term in section 1072(3) of  
22      title 10, United States Code.

23          (2) The term “Medicare program” means the  
24      program under title XVIII of the Social Security Act  
25      (42 U.S.C. 1395 et seq.).

1           (3) The term “TRICARE program” has the  
2           meaning given that term in section 1072(7) of title  
3           10, United States Code.

4 **SEC. 726. REQUIREMENTS FOR SUPPORT OF MILITARY**  
5 **TREATMENT FACILITIES BY CIVILIAN CON-**  
6 **TRACTORS UNDER TRICARE.**

7           (a) ANNUAL INTEGRATED REGIONAL REQUIRE-  
8           MENTS ON SUPPORT.—The Regional Director of each re-  
9           gion under the TRICARE program shall develop each year  
10          integrated, comprehensive requirements for the support of  
11          military treatment facilities in such region that is provided  
12          by contract civilian health care and administrative per-  
13          sonnel under the TRICARE program.

14          (b) PURPOSES.—The purposes of the requirements  
15          established under subsection (a) shall be as follows:

16               (1) To ensure consistent standards of quality in  
17               the support of military treatment facilities by con-  
18               tract civilian health care personnel under the  
19               TRICARE program.

20               (2) To identify targeted, actionable opportuni-  
21               ties throughout each region of the TRICARE pro-  
22               gram for the most efficient delivery of health care  
23               and support of military treatment facilities.

24               (3) To ensure the most effective use of various  
25               available contracting methods in securing support of



1 military treatment facilities by civilian personnel  
2 under the TRICARE program, including resource-  
3 sharing and clinical support agreements, direct con-  
4 tracting, and venture capital investments.

5 (4) To achieve savings targets for each region  
6 under the TRICARE program.

7 (c) FACILITATION AND ENHANCEMENT OF CON-  
8 TRACTOR SUPPORT.—

9 (1) IN GENERAL.—The Secretary of Defense  
10 shall take appropriate actions to facilitate and en-  
11 hance the support of military treatment facilities  
12 under the TRICARE program in order to assure  
13 maximum quality and productivity.

14 (2) ACTIONS.—In taking actions under para-  
15 graph (1), the Secretary shall—

16 (A) ensure approval by a Regional Director  
17 of all proposals for the support of military  
18 treatment facilities in the region concerned in  
19 accordance with the most current requirements  
20 established by such Regional Director under  
21 subsection (a);

22 (B) ensure the availability of adequate and  
23 sustainable funding support for projects which  
24 produce a return on investment to the military  
25 treatment facilities;

1 (C) ensure that a portion of any return on  
2 investment is returned to the military treatment  
3 facility to which such savings are attributable;

4 (D) require consistent standards of quality  
5 for contract civilian health care personnel pro-  
6 viding support of military treatment facilities  
7 under the TRICARE program, including—

8 (i) consistent credentialing require-  
9 ments among military treatment facilities;  
10 and

11 (ii) accreditation of health care staff-  
12 ing firms by the Joint Commission on the  
13 Accreditation of Health Care Organization  
14 Health Care Staffing Standards;

15 (E) remove financial disincentives for mili-  
16 tary treatment facilities and civilian contractors  
17 to initiate and sustain agreements for the sup-  
18 port of military treatment facilities by such con-  
19 tractors under the TRICARE program;

20 (F) provide for a consistent process across  
21 all regions of the TRICARE program for devel-  
22 oping cost benefit analyses of agreements for  
23 the support of military treatment facilities by  
24 civilian contractors under the TRICARE pro-  
25 gram based on actual cost and utilization data

1 within each region of the TRICARE program;  
2 and

3 (G) provide for a system for tracking the  
4 performance of each project for support of mili-  
5 tary treatment facilities by a civilian contractor  
6 under the TRICARE program.

7 (d) REPORTS TO CONGRESS.—

8 (1) ANNUAL REPORTS REQUIRED.—Not later  
9 than February 1 each year, the Secretary shall sub-  
10 mit to the congressional defense committees a report  
11 on the support of military treatment facilities by ci-  
12 vilian contractors under the TRICARE program  
13 during the preceding fiscal year.

14 (2) ELEMENTS.—Each report shall set forth,  
15 for the fiscal year covered by such report, the fol-  
16 lowing:

17 (A) The status of the support of military  
18 health treatment facilities that is provided by  
19 contract civilian health care personnel under the  
20 TRICARE program in each region of the  
21 TRICARE program.

22 (B) An assessment of the compliance of  
23 such support with regional requirements under  
24 subsection (a).

1 (C) The number and type of agreements  
 2 for the support of military treatment facilities  
 3 by contract civilian health care personnel.

4 (D) The standards of quality in effect  
 5 under the requirements under subsection (a).

6 (E) The savings anticipated, and any sav-  
 7 ings achieved, as a result of the implementation  
 8 of the requirements under subsection (a).

9 **SEC. 727. UNIFORM STANDARDS FOR ACCESS TO HEALTH**  
 10 **CARE SERVICES FOR WOUNDED OR INJURED**  
 11 **SERVICEMEMBERS.**

12 (a) **UNIFORM STANDARDS REQUIRED.**—The Sec-  
 13 retary of Defense shall prescribe in regulations uniform  
 14 standards for the access of wounded or injured members  
 15 of the Armed Forces to health care services through the  
 16 military health care system.

17 (b) **MATTERS COVERED BY STANDARDS.**—The  
 18 standards required by subsection (a) shall establish uni-  
 19 form policy with respect to the following:

20 (1) The access of wounded or injured members  
 21 of the Armed Forces to emergency care.

22 (2) The access of such members to surgical  
 23 services.

24 (3) Waiting times for referrals and consulta-  
 25 tions of such members by medical personnel, dental

1 personnel, mental health specialists, and rehabilita-  
2 tive service specialists, including personnel and spe-  
3 cialists with expertise in prosthetics and the in treat-  
4 ment of head, vision, and spinal cord injuries.

5 (4) Waiting times of such members for acute  
6 care and for routine follow-up care.

7 (c) REFERRAL TO PROVIDERS OUTSIDE MILITARY  
8 HEALTH CARE SYSTEM.—To the extent practicable, the  
9 Secretary shall require in the standards under subsection  
10 (a) that the standards be met through whatever means  
11 or mechanisms possible, including through the referral of  
12 members described in that subsection to health care pro-  
13 viders outside the military health care system.

14 (d) TRACKING OF PERFORMANCE.—The standards  
15 required by subsection (a) shall require each Secretary  
16 concerned to establish mechanisms for tracking the per-  
17 formance of the military health care system under the ju-  
18 risdiction of such Secretary in meeting the requirements  
19 for access of wounded or injured members of the Armed  
20 Forces to health care services set forth in such standards.

21 (e) SECRETARY CONCERNED DEFINED.—In this sec-  
22 tion, the term “Secretary concerned” has the meaning  
23 given that term in section 101(a) of title 10, United States  
24 Code.

1 **SEC. 728. DISEASE AND CHRONIC CARE MANAGEMENT.**

2 (a) PROGRAM REQUIRED.—Not later than October 1,  
3 2007, the Secretary of Defense shall establish and imple-  
4 ment throughout the military health care system a fully-  
5 integrated program on disease and chronic care manage-  
6 ment that provides, to the extent practicable, uniform poli-  
7 cies and practices, and regional execution of such policies  
8 and practices, on disease management and chronic care  
9 management throughout that system, including both mili-  
10 tary hospitals and clinics and civilian healthcare providers.

11 (b) PURPOSES OF PROGRAM.—The purposes of the  
12 program required by subsection (a) are as follows:

13 (1) To facilitate the improvement of the health  
14 status of individuals under care in the military  
15 health care system.

16 (2) To ensure the availability of effective health  
17 care services in that system for individuals with dis-  
18 eases and other chronic conditions.

19 (3) To ensure the proper allocation of health  
20 care resources for individuals who need care for dis-  
21 ease or other chronic conditions.

22 (c) ELEMENTS.—The program required by sub-  
23 section (a) shall meet the following requirements:

24 (1) Based on uniform policies prescribed by the  
25 Secretary under subsection (a), the program shall, at

1 a minimum, address the following chronic diseases  
2 and conditions:

3 (A) Diabetes.

4 (B) Cancer.

5 (C) Heart disease.

6 (D) Asthma.

7 (E) Chronic obstructive pulmonary dis-  
8 order.

9 (F) Depression and anxiety disorders.

10 (2) The program shall meet nationally-recog-  
11 nized accreditation standards for disease and chronic  
12 care management.

13 (3) The program shall include specific outcome  
14 measures and objectives on disease and chronic care  
15 management.

16 (4) The program shall include strategies for  
17 disease and chronic care management for all bene-  
18 ficiaries, including beneficiaries eligible for benefits  
19 under the Medicare program under title XVIII of  
20 the Social Security Act (42 U.S.C. 1395 et seq.), for  
21 whom the TRICARE program is not the primary  
22 payer for health care benefits.

23 (5) Activities under the program shall conform  
24 to applicable laws and regulations relating to the  
25 confidentiality of health care information.

1 (d) DESIGN OF CERTAIN PORTIONS OF PROGRAM.—

2 As part of the program required under subsection (a), the  
3 Secretary may contract for the design of a disease and  
4 chronic care management program for the military health  
5 care system.

6 (e) ACTIONS TO FACILITATE PROGRAM.—In order to  
7 facilitate the carrying out of the program required by sub-  
8 section (a), the Secretary shall—

9 (1) require a comprehensive analysis of the dis-  
10 ease and chronic care management opportunities  
11 within each region of the TRICARE program, in-  
12 cluding within military treatment facilities and  
13 through contractors under the TRICARE program;

14 (2) ensure continuous, adequate funding of dis-  
15 ease and chronic care management activities  
16 throughout the military health care system in order  
17 to achieve maximum health outcomes and cost avoid-  
18 ance;

19 (3) eliminate, to the extent practicable, any fi-  
20 nancial disincentives to sustained investment by mili-  
21 tary hospitals and health care services contractors of  
22 the Department of Defense in the disease and chron-  
23 ic care management activities of the Department;



1           (4) ensure that appropriate clinical and claims  
2       data, including pharmacy utilization data, is avail-  
3       able for use in implementing the program;

4           (5) ensure outreach to eligible beneficiaries,  
5       who, on the basis of their clinical conditions, are  
6       candidates for the program utilizing print and elec-  
7       tronic media, telephone, and personal interaction;  
8       and

9           (6) provide a system for monitoring improve-  
10      ments in health status and clinical outcomes under  
11      the program and savings associated with the pro-  
12      gram.

13       (f) COMPTROLLER GENERAL REPORT.—Not later  
14   than September 15, 2007, the Comptroller General of the  
15   United States shall submit to the congressional defense  
16   committees a report on the program required by sub-  
17   section (a). The report shall include the following:

18           (1) An assessment of the progress made toward  
19      implementation of the program.

20           (2) A description and assessment of the inte-  
21      gration of disease and chronic care management  
22      strategies in the regional business plan of the  
23      TRICARE Regional Offices.

1           (3) An assessment of the readiness of the De-  
2       partment to implement the program by October 1,  
3       2007.

4       (g) SECRETARY OF DEFENSE REPORTS.—

5           (1) IN GENERAL.—Not later than January 1,  
6       2008, and every year thereafter, the Secretary shall  
7       submit to the congressional defense committees a re-  
8       port on the program required by subsection (a).

9           (2) REPORT ELEMENTS.—Each report required  
10      by this subsection shall include the following:

11           (A) An assessment of the program during  
12      the one-year period ending on the date of such  
13      report.

14           (B) A description and assessment of im-  
15      provements in health status and clinical out-  
16      comes.

17           (C) A description of the savings and return  
18      on investment associated with the program.

19           (D) A description of an investment strat-  
20      egy to assure the sustainment of the disease  
21      and chronic care management programs of the  
22      Department of Defense.

1 **SEC. 729. POST-DEPLOYMENT HEALTH ASSESSMENTS FOR**  
2 **MEMBERS OF THE ARMED FORCES RETURN-**  
3 **ING FROM DEPLOYMENT IN SUPPORT OF A**  
4 **CONTINGENCY OPERATION.**

5 (a) IN GENERAL.—Not later than 60 days after the  
6 date of the enactment of this Act, the Secretary of Defense  
7 shall prescribe in regulations requirements applicable to  
8 the conduct of post-deployment health assessments for  
9 members of the Armed Forces returning from deployment  
10 in support of a contingency operation.

11 (b) GENERAL REQUIREMENTS.—The regulations pre-  
12 scribed under subsection (a) shall require the following:

13 (1) That a health assessment be conducted on  
14 each member of the Armed Forces returning from  
15 deployment in support of a contingency operation  
16 within such time after the return of such member  
17 from deployment as the Secretary shall specify in  
18 the regulations.

19 (2) That each health assessment be conducted  
20 by a healthcare provider having such qualifications  
21 as the Secretary shall specify in the regulations.

22 (3) That each health assessment assess such  
23 health-related matters as the Secretary shall specify  
24 in the regulations, including an assessment of men-  
25 tal health for referral of a member for further eval-

1       uation relating to mental health (including evalua-  
2       tion of the effects of combat or operational stress).

3           (4) That the results of each health assessment  
4       be stored in a centralized data base maintained by  
5       the Secretary under this section.

6       (c) ASSESSMENTS OF MENTAL HEALTH.—

7           (1) CRITERIA FOR REFERRAL FOR FURTHER  
8       EVALUATIONS.—The regulations prescribed under  
9       subsection (a) shall include—

10           (A) criteria to be utilized by healthcare  
11       providers in determining whether to refer a  
12       member of the Armed Forces for further eval-  
13       uation relating to mental health;

14           (B) mechanisms to ensure that healthcare  
15       providers are trained in the application of such  
16       criteria in making such determinations; and

17           (C) mechanisms for oversight to ensure  
18       that healthcare providers apply such criteria  
19       consistently.

20       (2) AVAILABILITY OF REFERRAL.—Under the  
21       regulations, a copy of a referral of a member for fur-  
22       ther evaluation relating to mental health shall be—

23           (A) provided to the member;

1 (B) placed in the healthcare record of the  
2 member that is maintained by the Department  
3 of Defense; and

4 (C) provided to the healthcare manager of  
5 the member.

6 (3) TRACKING MECHANISMS.—The regulations  
7 shall include mechanisms to ensure that a member  
8 who receives a referral for further evaluation relat-  
9 ing to mental health receives such evaluation and ob-  
10 tains such care and services as are warranted.

11 (4) QUALITY ASSURANCE.—The regulations  
12 shall include a requirement that the Department ad-  
13 dress, as part of the deployment health assessment  
14 quality assurance program of the Department, the  
15 following:

16 (A) The types of healthcare providers con-  
17 ducting post-deployment health assessments.

18 (B) The training received by such pro-  
19 viders applicable to the conduct of such assess-  
20 ments, including training on assessments and  
21 referrals relating to mental health.

22 (C) The guidance available to such pro-  
23 viders on how to apply the criteria prescribed  
24 under paragraph (1)(A) in determining whether  
25 to make a referral for further evaluation of a

1 member of the Armed Forces relating to mental  
2 health.

3 (D) The effectiveness of the tracking  
4 mechanisms required under paragraph (3) in  
5 ensuring that members who receive referrals for  
6 further evaluations relating to mental health re-  
7 ceive such evaluations and obtain such care and  
8 services as are warranted.

9 (d) COMPTROLLER GENERAL REPORTS ON IMPLE-  
10 MENTATION OF REQUIREMENTS.—

11 (1) STUDY ON IMPLEMENTATION.—The Comp-  
12 troller General of the United States shall carry out  
13 a study of the implementation of the requirements  
14 prescribed under this section.

15 (2) PERIODIC EVALUATION OF MENTAL  
16 HEALTH ASSESSMENT PROCESSES.—The Comp-  
17 troller General shall, on a periodic basis, evaluate  
18 the following:

19 (A) The compliance of the Department of  
20 Defense and healthcare providers with the re-  
21 quirements under this section applicable to the  
22 assessment and referral of members of the  
23 Armed Forces relating to mental health.

24 (B) The effectiveness of the processes  
25 under such requirements in addressing the

1           mental health care needs of members returning  
2           from deployments overseas.

3           (3) REPORTS.—(A) Not later than March 1,  
4           2007, the Comptroller General shall submit to the  
5           Committees on Armed Services of the Senate and  
6           the House of Representatives a report on the study  
7           carried out under paragraph (1).

8           (B) Upon completion of an evaluation under  
9           paragraph (2), the Comptroller General shall submit  
10          to the committees of Congress referred to in sub-  
11          paragraph (A) a report on such evaluation.

12          (e) CONTINGENCY OPERATION DEFINED.—In this  
13          section, the term “contingency operation” has the mean-  
14          ing given that term in section 101(a)(13) of title 10,  
15          United States Code.

## 16       **Subtitle C—Studies and Reports**

### 17       **SEC. 741. PILOT PROJECTS ON EARLY DIAGNOSIS AND** 18                       **TREATMENT OF POST TRAUMATIC STRESS** 19                       **DISORDER AND OTHER MENTAL HEALTH** 20                       **CONDITIONS.**

21          (a) PILOT PROJECTS REQUIRED.—The Secretary of  
22          Defense shall carry out not less than three pilot projects  
23          to evaluate the efficacy of various approaches to improving  
24          the capability of the military and civilian health care sys-  
25          tems to provide early diagnosis and treatment of Post

1 Traumatic Stress Disorder (PTSD) and other mental  
2 health conditions.

3 (b) DURATION.—The requirement to carry out pilot  
4 projects under this section shall commence on October 1,  
5 2007. Any pilot projects carried out under this section  
6 shall cease on September 30, 2008.

7 (c) PILOT PROJECT REQUIREMENTS.—

8 (1) MOBILIZATION-DEMOBILIZATION FACIL-  
9 ITY.—

10 (A) IN GENERAL.—One of the pilot  
11 projects under this section shall be carried out  
12 at a military medical facility at a large military  
13 installation at which the mobilization or demo-  
14 bilization of members of the Armed Forces oc-  
15 curs.

16 (B) ELEMENTS.—The pilot project under  
17 this paragraph shall be designed to evaluate  
18 and produce effective diagnostic and treatment  
19 approaches for use by primary care providers in  
20 the military health care system in order to im-  
21 prove the capability of such providers to diag-  
22 nose and treat Post Traumatic Stress Disorder  
23 in a manner that avoids the referral of patients  
24 to specialty care by a psychiatrist or other men-  
25 tal health professional.



1 (2) NATIONAL GUARD OR RESERVE FACILITY.—

2 (A) IN GENERAL.—One of the pilot  
3 projects under this section shall be carried out  
4 at the location of a National Guard or Reserve  
5 unit or units that are located more than 40  
6 miles from a military medical facility and whose  
7 personnel are served primarily by civilian com-  
8 munity health resources.

9 (B) ELEMENTS.—The pilot project under  
10 this paragraph shall be designed—

11 (i) to evaluate approaches for pro-  
12 viding evidence-based clinical information  
13 on Post Traumatic Stress Disorder to civil-  
14 ian primary care providers; and

15 (ii) to develop educational materials  
16 and other tools for use by members of the  
17 National Guard or Reserve who come into  
18 contact with other members of the Na-  
19 tional Guard or Reserve who may suffer  
20 from Post Traumatic Stress Disorder in  
21 order to encourage and facilitate early re-  
22 porting and referral for treatment.

23 (3) INTERNET-BASED DIAGNOSIS AND TREAT-  
24 MENT.—One of the pilot projects under this section  
25 shall be designed to evaluate—

(A) Internet-based automated tools available to military and civilian health care providers for the early diagnosis and treatment of Post Traumatic Stress Disorder, and for tracking patients who suffer from Post Traumatic Stress Disorder; and

(B) Internet-based tools available to family members of members of the Armed Forces in order to assist such family members in the identification of the emergence of Post Traumatic Stress Disorder.

(d) EVALUATION OF PILOT PROJECTS.—The Secretary shall evaluate each pilot project carried out under this section in order to assess the effectiveness of the approaches taken under such pilot project—

(1) to improve the capability of the military and civilian health care systems to provide early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions among members of the regular components of the Armed Forces, and among members of the National Guard and Reserves, who have returned from deployment; and

(2) to provide outreach to the family members of the members of the Armed Forces described in

1 paragraph (1) on Post Traumatic Stress Disorder  
2 and other mental health conditions among such  
3 members of the Armed Forces.

4 (e) REPORT TO CONGRESS.—

5 (1) REPORT REQUIRED.—Not later than De-  
6 cember 31, 2008, the Secretary shall submit to the  
7 congressional defense committees a report on the  
8 pilot projects carried out under this section.

9 (2) ELEMENTS.—The report required by para-  
10 graph (1) shall include the following:

11 (A) A description of each pilot project car-  
12 ried out under this section.

13 (B) An assessment of the effectiveness of  
14 the approaches taken under each pilot project  
15 to improve the capability of the military and ci-  
16 vilian health care systems to provide early diag-  
17 nosis and treatment of Post Traumatic Stress  
18 Disorder and other mental health conditions  
19 among members of the Armed Forces.

20 (C) Any recommendations for legislative or  
21 administrative action that the Secretary con-  
22 sidered appropriate in light of the pilot projects,  
23 including recommendations on—

24 (i) the training of health care pro-  
25 viders in the military and civilian health

1 care systems on early diagnosis and treat-  
2 ment of Post Traumatic Stress Disorder  
3 and other mental health conditions; and

4 (ii) the provision of outreach on Post  
5 Traumatic Stress Disorder and other men-  
6 tal health conditions to members of the  
7 National Guard and Reserves who have re-  
8 turned from deployment.

9 (D) A plan, in light of the pilot projects,  
10 for the improvement of the health care services  
11 provided to members of the Armed Forces in  
12 order to better assure the early diagnosis and  
13 treatment of Post Traumatic Stress Disorder  
14 and other mental health conditions among  
15 members of the Armed Forces, including a spe-  
16 cific plan for outreach on Post Traumatic  
17 Stress Disorder and other mental health condi-  
18 tions to members of the National Guard and  
19 Reserve who have returned from deployment in  
20 order to facilitate and enhance the early diag-  
21 nosis and treatment of Post Traumatic Stress  
22 Disorder and other mental health conditions  
23 among such members of the National Guard  
24 and Reserves.

25 (f) FUNDING.—

1 (1) IN GENERAL.—Of the amount authorized to  
 2 be appropriated by section 303(a) for the Defense  
 3 Health Program, \$10,000,000 shall be available for  
 4 pilot projects under this section.

5 (2) AVAILABILITY.—The amount available  
 6 under paragraph (1) shall remain available until ex-  
 7 pended.

8 **SEC. 742. ANNUAL REPORTS ON CERTAIN MEDICAL MAL-**  
 9 **PRACTICE CASES.**

10 (a) ANNUAL REPORTS TO SECRETARY OF DE-  
 11 FENSE.—

12 (1) ANNUAL REPORTS REQUIRED.—Not later  
 13 than February 1, 2007, and annually thereafter,  
 14 each Secretary of a military department shall submit  
 15 to the Secretary of Defense a report on the fol-  
 16 lowing:

17 (A) Each case (other than a case involving  
 18 the treatment of a member of the Armed  
 19 Forces on active duty) during the preceding cal-  
 20 endar year in which—

21 (i) a complaint or claim was made of  
 22 medical malpractice committed in a med-  
 23 ical treatment facility of such military de-  
 24 partment or by a health care provider of or  
 25 employed by such military department; and

1 (ii) either—

2 (I) a judgment was entered  
3 against the United States in the  
4 amount of \$1,000,000 or more; or

5 (II) an award, compromise, or  
6 settlement was entered into by the  
7 United States requiring payment by  
8 the United States in the amount of  
9 \$1,000,000 or more.

10 (B) Each case during the preceding cal-  
11 endar year in which the death of, or serious  
12 personal injury to, a member of the Armed  
13 Forces on active duty occurred as a result of  
14 medical malpractice while the member was a  
15 patient in a medical treatment facility of such  
16 military department or under the care of a  
17 health care provider of or employed by such  
18 military department.

19 (2) REQUIRED INFORMATION.—The informa-  
20 tion required in a report under paragraph (1) on a  
21 case covered by such paragraph shall include the fol-  
22 lowing:

23 (A) A description of the medical mal-  
24 practice involved.

1 (B) A description of the actions, if any,  
2 taken with respect to the continued practice in  
3 the military health care system of the health  
4 care professionals involved.

5 (b) TRANSMITTAL OF REPORTS TO CONGRESS.—

6 (1) TRANSMITTAL REQUIRED.—Not later than  
7 April 1, 2007, and annually thereafter, the Secretary  
8 of Defense shall transmit to the congressional de-  
9 fense committees the reports submitted to the Sec-  
10 retary by the Secretaries of the military departments  
11 in such year.

12 (2) TRANSMITTAL MATTERS.—In transmitting  
13 reports for a year under paragraph (1), the Sec-  
14 retary may include with such reports the following:

15 (A) Any information or recommendations  
16 with respect to the matters covered by such re-  
17 ports that the Secretary considers appropriate.

18 (B) A summary of the actions taken dur-  
19 ing the year to address medical malpractice in  
20 the military health care system.

21 (c) DISCLOSURE OF INFORMATION.—In submitting  
22 or transmitting reports under this section, the Secretaries  
23 of the military departments and the Secretary of Defense  
24 shall ensure that the information contained in such re-

1 ports is suitable for disclosure to the public, taking into  
2 account the provisions of law as follows:

3 (1) Section 552a of title 5, United States Code  
4 (commonly referred to as the “Privacy Act”).

5 (2) Laws relating to the protection and con-  
6 fidentiality of medical quality assurance records, in-  
7 cluding the provisions of section 1102 of title 10,  
8 United States Code.

9 (3) Any other laws relating to the protection  
10 and confidentiality of medical records.

11 **SEC. 743. COMPTROLLER GENERAL STUDY ON DEPART-**  
12 **MENT OF DEFENSE PHARMACY BENEFITS**  
13 **PROGRAM.**

14 (a) IN GENERAL.—The Comptroller General of the  
15 United States shall conduct a study of the Department  
16 of Defense pharmacy benefits program required by section  
17 1074g of title 10, United States Code.

18 (b) ELEMENTS.—The study required by subsection  
19 (a) shall include an examination of the following:

20 (1) The cost of the Department of Defense  
21 pharmacy benefits program since the inception of  
22 the program.

23 (2) The relative costs of various options under  
24 the program.



1           (3) The copayment structure under the pro-  
2       gram.

3           (4) The effectiveness of the rebate system  
4       under the program as a way of passing on discounts  
5       received by the Federal Government in the purchase  
6       of pharmaceutical agents.

7           (5) The uniform formulary under the program,  
8       including the success of the formulary in achieving  
9       savings anticipated through use of the formulary.

10          (6) Various alternative means of purchasing  
11       pharmaceutical agents more efficiently for avail-  
12       ability under the program.

13          (7) The composition and decision-making proc-  
14       esses of the Pharmacy and Therapeutics Committee.

15          (8) The composition of the Beneficiary Advisory  
16       Panel and its history as an advisory panel under the  
17       program (including the frequency of the acceptance  
18       of its recommendations by the Secretary of De-  
19       fense).

20          (9) Quality assurance mechanisms under the  
21       program.

22          (10) The role of the program in support of the  
23       disease and chronic care management programs of  
24       the Department of Defense.

1           (11) Mechanisms for customer service and cus-  
2           tomer feedback under the program.

3           (12) Beneficiary satisfaction with the program.

4           (c) RESPONSE TO CERTAIN FINDINGS.—

5           (1) PHARMACY AND THERAPEUTICS COM-  
6           MITTEE.—The Pharmacy and Therapeutics Com-  
7           mittee shall—

8                   (A) examine the results of the study of the  
9                   Comptroller General under subsection (b)(7);  
10                  and

11                  (B) make such recommendations to the  
12                  Secretary of Defense for modifications in the  
13                  composition and decision-making processes of  
14                  the Committee as the Committee considers ap-  
15                  propriate in light of such results in order to im-  
16                  prove the efficiency of such processes.

17           (2) BENEFICIARY ADVISORY PANEL.—The Ben-  
18           eficiary Advisory Panel shall—

19                   (A) examine the results of the study of the  
20                   Comptroller General under subsection (b)(8);  
21                  and

22                  (B) make such recommendations to the  
23                  Secretary of Defense for modifications in the  
24                  composition and advisory functions of the Panel

1 as the Panel considers appropriate in light of  
2 such results in order to—

3 (i) ensure the independence and con-  
4 sumer focus of the Panel;

5 (ii) ensure the participation of the  
6 Panel as an advisory board throughout im-  
7 plementation of the Department of De-  
8 fense pharmacy benefits program; and

9 (iii) achieve more effective commu-  
10 nication between the Secretary and the  
11 Panel.

12 (d) REPORT.—Not later than nine months after the  
13 date of the enactment of this Act, the Comptroller General  
14 shall submit to the congressional defense committees a re-  
15 port on the study required by subsection (a). The report  
16 shall include such recommendations as the Comptroller  
17 General considers appropriate for legislative or adminis-  
18 trative action to improve the Department of Defense phar-  
19 macy benefits program in light of the study.

20 **SEC. 744. COMPTROLLER GENERAL AUDITS OF DEPART-**  
21 **MENT OF DEFENSE HEALTH CARE COSTS**  
22 **AND COST-SAVING MEASURES.**

23 (a) GENERAL AUDIT REQUIRED.—

24 (1) IN GENERAL.—The Comptroller General of  
25 the United States shall conduct an audit of the

1 health care costs and cost-saving measures of the  
2 Department of Defense in accordance with this sub-  
3 section. The Comptroller General shall conduct the  
4 audit in conjunction with the Department of Defense  
5 initiative to manage future medical benefits available  
6 through the Department known as “Sustain the  
7 Benefit”.

8 (2) ELEMENTS.—The audit required by para-  
9 graph (1) shall examine the following:

10 (A) The basis for the calculation by the  
11 Department of Defense of the portion of the  
12 costs of health care benefits provided by the  
13 Department to beneficiaries that were paid by  
14 such beneficiaries in each of 1995 and 2005, in-  
15 cluding—

16 (i) a comparison of the cost to the De-  
17 partment of providing such benefits in  
18 each of 1995 and 2005;

19 (ii) the explanation for any increases  
20 in the costs of the Department of pro-  
21 viding such benefits between 1995 and  
22 2005; and

23 (iii) a comparison of the amounts  
24 paid, by category of beneficiaries, for  
25 health care benefits in 1995 with the

1            amounts paid, by category of beneficiaries,  
2            for such benefits in 2005.

3            (B) The calculations and assumptions uti-  
4            lized by the Department in estimating the sav-  
5            ings anticipated through the implementation of  
6            proposed increases in cost-sharing for health  
7            care benefits beginning in 2007.

8            (C) The average annual rate of increase,  
9            based on inflation, of medical costs for the De-  
10          partment under the Defense Health Program.

11          (D) The annual rate of growth in the cost  
12          of the Defense Health Program that is attrib-  
13          utable to inflation in the cost of medical serv-  
14          ices over the last five years and how such rate  
15          of growth compares with annual rates of in-  
16          creases in health care premiums under the Fed-  
17          eral Employee Health Benefit Program and  
18          other health care programs as well as rates of  
19          growth of other health care cost indices over  
20          that time.

21          (E) The assumptions utilized by the De-  
22          partment in estimating savings associated with  
23          adjustments in copayments for pharmaceuticals.

1 (F) The costs of the administration of the  
2 Defense Health Program and the TRICARE  
3 program for all categories of beneficiaries.

4 (c) AUDIT OF TRICARE RESERVE SELECT PRO-  
5 GRAM.—

6 (1) IN GENERAL.—In addition to the audit re-  
7 quired by subsection (a), the Comptroller General  
8 shall conduct an audit of the costs of the Depart-  
9 ment of Defense in implementing the TRICARE Re-  
10 serve Select Program.

11 (2) ELEMENTS.—The audit required by para-  
12 graph (1) shall include an examination of the fol-  
13 lowing:

14 (A) A comparison of the annual premium  
15 amounts established by the Department of De-  
16 fense for the TRICARE Reserve Select Pro-  
17 gram with the actual costs of the Department  
18 in providing benefits under that program in fis-  
19 cal years 2004 and 2005.

20 (B) The rate of inflation of health care  
21 costs of the Department during fiscal years  
22 2004 and 2005, and a comparison of that rate  
23 of inflation with the annual increase in pre-  
24 miums under the TRICARE Reserve Select  
25 Program in January 2006.

1 (C) A comparison of the financial and  
2 health-care utilization assumptions utilized by  
3 the Department in establishing premiums under  
4 the TRICARE Reserve Select Program with ac-  
5 tual experiences under that program in the first  
6 year of the implementation of that program.

7 (3) TRICARE RESERVE SELECT PROGRAM DE-  
8 FINED.—In this section, the term “TRICARE Re-  
9 serve Select Program” means the program carried  
10 out under section 1074d of title 10, United States  
11 Code.

12 (d) USE OF INDEPENDENT EXPERTS.—Notwith-  
13 standing any other provision of law, in conducting the au-  
14 dits required by this section, the Comptroller General may  
15 engage the services of appropriate independent experts, in-  
16 cluding actuaries.

17 (e) REPORT.—Not later than April 1, 2007, the  
18 Comptroller General shall submit to the congressional de-  
19 fense committees a report on the audits conducted under  
20 this section. The report shall include—

21 (1) the findings of the Comptroller General as  
22 a result of the audits; and

23 (2) such recommendations as the Comptroller  
24 General considers appropriate in light of such find-  
25 ings to ensure maximum efficiency in the adminis-

1       tration of the health care benefits programs of the  
2       Department of Defense.

3   **SEC. 745. REVIEW OF DEPARTMENT OF DEFENSE MEDICAL**  
4       **QUALITY IMPROVEMENT PROGRAM.**

5       (a) REVIEW REQUIRED.—The Secretary of Defense  
6       shall enter into a contract with the Institute of Medicine  
7       of the National Academy of Sciences, or another similarly  
8       qualified independent academic medical organization, for  
9       the purpose of conducting an independent review of the  
10      Department of Defense medical quality improvement pro-  
11      gram.

12      (b) ELEMENTS.—The review required pursuant to  
13      subsection (a) shall include the following:

14           (1) An assessment of the methods used by the  
15      Department of Defense to monitor medical quality  
16      in services provided in military hospitals and clinics  
17      and in services provided in civilian hospitals and  
18      providers under the military health care system.

19           (2) An assessment of the transparency and  
20      public reporting mechanisms of the Department on  
21      medical quality.

22           (3) An assessment of how the Department in-  
23      corporates medical quality into performance meas-  
24      ures for military and civilian health care providers  
25      within the military health care system.



1           (4) An assessment of the patient safety pro-  
2       grams of the Department.

3           (5) A description of the extent to which the De-  
4       partment seeks to address particular medical errors,  
5       and an assessment of the adequacy of such efforts.

6           (6) An assessment of accountability within the  
7       military health care system for preventable negative  
8       outcomes involving negligence.

9           (7) An assessment of the performance of the  
10      health care safety and quality measures of the De-  
11      partment.

12          (8) An assessment of the collaboration of the  
13      Department with national initiatives to develop evi-  
14      dence-based quality measures and intervention strat-  
15      egies, especially the initiatives of the Agency for  
16      Health Care Research and Quality within the De-  
17      partment of Health and Human Services.

18          (9) A comparison of the methods, mechanisms,  
19      and programs and activities referred to in para-  
20      graphs (1) through (8) with similar methods, mecha-  
21      nisms, programs, and activities used in other public  
22      and private health care systems and organizations.

23      (c) REPORT.—

24          (1) IN GENERAL.—Not later than one year  
25      after the date of the enactment of this Act, the Sec-

retary shall submit to the congressional defense committees a report on the review required pursuant to subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The results of the review required pursuant to subsection (a).

(B) A discussion of recent highlights in the accomplishments of the Department of Defense medical quality assurance program.

(C) Such recommendations for legislative or administrative action as the Secretary considers appropriate for the improvement of the program.

## **Subtitle D—Other Matters**

### **SEC. 761. EXTENSION OF LIMITATION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSI- TIONS.**

Section 744(a)(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3360; 10 U.S.C. 129c note) is amended—

(1) by inserting “in a fiscal year” before “until”;

(2) by inserting “with respect to that fiscal year” after “House of Representatives”; and

(3) by striking the last sentence and inserting the following new sentences: “The certification with respect to fiscal year 2007 may not be submitted before June 30, 2006. The certification with respect to any fiscal year after fiscal year 2007 shall be submitted at the same time the budget of the President for such fiscal year is submitted to Congress pursuant to section 1105(a) of title 31, United States Code.”.

## **TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

### **Subtitle A—Acquisition Policy and Management**

#### **SEC. 801. ADDITIONAL CERTIFICATION REQUIREMENTS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) ADDITIONAL CERTIFICATION REQUIREMENTS.— Subsection (a) of section 2366a of title 10, United States Code, is amended—

(1) in paragraph (6), by striking “and” at the end;

1           (2) redesignating paragraph (7) as paragraph  
2           (10); and

3           (3) by inserting after paragraph (6) the fol-  
4           lowing new paragraphs:

5           “(7) the program is needed to meet validated  
6           requirements consistent with the national military  
7           strategy;

8           “(8) reasonable estimates have been developed  
9           to execute the product development and production  
10          plan under the program;

11          “(9) funding is available to execute the product  
12          development and production plan under the program  
13          consistent with the estimates described in paragraph  
14          (8) for the program; and”.

15          (b) WAIVER FOR NATIONAL SECURITY.—Subsection  
16          (c) of such section is amended by striking “(5), or (6)”  
17          and inserting “(5), (6), (7), (8), or (9)”.

18       **SEC. 802. EXTENSION AND ENHANCEMENT OF DEFENSE AC-**

19                               **QUISITION CHALLENGE PROGRAM.**

20          (a) PRIORITY FOR PROPOSALS FROM CERTAIN BUSI-  
21          NESSES.—Paragraph (5) of subsection (b) of section  
22          2359b of title 10, United States Code, is amended to read  
23          as follows:

24          “(5) The Under Secretary—

1           “(A) may establish procedures to ensure that  
 2           the Challenge Program does not become an avenue  
 3           for the repetitive submission of proposals that have  
 4           been previously reviewed and found not to have  
 5           merit; and

6           “(B) may establish procedures to ensure that  
 7           the Challenge Program establishes appropriate prior-  
 8           ities for proposals from businesses that are not  
 9           major contractors with the Department of De-  
 10          fense.”.

11          (b) EXTENSION.—Subsection (j) of such section is  
 12          amended by striking “September 30, 2007” and inserting  
 13          “September 30, 2012”.

14      **SEC. 803. BASELINE DESCRIPTION AND UNIT COST RE-**  
 15                              **PORTS FOR MAJOR DEFENSE ACQUISITION**  
 16                              **PROGRAMS.**

17          (a) SPECIFICATION OF ORIGINAL BASELINE ESTI-  
 18          MATE.—Section 2435(d)(1) of title 10, United States  
 19          Code, is amended by inserting after “with respect to the  
 20          program under subsection (a)” the following: “in prepara-  
 21          tion for entry into system development and demonstration,  
 22          or at program initiation, whichever occurs later”.

23          (b) REPORTS TO CONGRESS ON CERTAIN COST IN-  
 24          CREASES.—Section 2433(e)(1) of such title is amended by  
 25          adding at the end the following new subparagraph:

1       “(C) If the Secretary concerned determines that the  
 2 program acquisition unit cost or procurement unit cost of  
 3 a major defense acquisition program has increased by a  
 4 percentage equal to or greater than the significant cost  
 5 growth threshold for the program and a Selected Acquisi-  
 6 tion Report has been submitted to Congress under sub-  
 7 paragraph (A) or (B), each subsequent quarterly or com-  
 8 prehensive annual Selected Acquisition Report shall in-  
 9 clude the information required by subsection (g). No fur-  
 10 ther report on increases in the program acquisition unit  
 11 cost or procurement unit cost shall be required under sub-  
 12 section (c) or (d) unless the program manager has reason-  
 13 able cause to believe that the program acquisition unit cost  
 14 or procurement unit cost has increased by a percentage  
 15 equal to or greater than the critical cost growth thresh-  
 16 old.”.

17 **SEC. 804. MAJOR AUTOMATED INFORMATION SYSTEM PRO-**  
 18 **GRAMS.**

19       (a) REPORTS AND INFORMATION ON PROGRAM COST  
 20 AND PERFORMANCE.—

21           (1) IN GENERAL.—Part IV of subtitle A of title  
 22 10, United States Code, is amended by inserting  
 23 after chapter 144 the following new chapter:

1     **“CHAPTER 144A—MAJOR AUTOMATED**  
 2     **INFORMATION SYSTEM PROGRAMS**

“Sec.

“2445a. Major automated information system program defined.

“2445b. Cost, schedule, and performance information.

“2445c. Reports: quarterly reports; reports on program changes.

“2445d. Construction with other reporting requirements.

3     **“§ 2445a. Major automated information system pro-**  
 4     **gram defined**

5     “(a) IN GENERAL.—In this chapter, the term ‘major  
 6     automated information system program’ means a Depart-  
 7     ment of Defense program for the acquisition of an auto-  
 8     mated information system (either as a product or a serv-  
 9     ice) if—

10         “(1) the program is designated by the Secretary  
 11         of Defense, or a designee of the Secretary, as a  
 12         major automated information system program; or

13         “(2) the dollar value of the program is esti-  
 14         mated to exceed—

15                 “(A) \$32,000,000 in fiscal year 2000 con-  
 16                 stant dollars for all program costs in a single  
 17                 fiscal year;

18                 “(B) \$126,000,000 in fiscal year 2000  
 19                 constant dollars for all program acquisition  
 20                 costs for the entire program; or

21                 “(C) \$378,000,000 in fiscal year 2000 con-  
 22                 stant dollars for the total life-cycle costs of the

1           program (including operation and maintenance  
2           costs).

3           “(b) ADJUSTMENT.—The Secretary of Defense may  
4   adjust the amounts (and base fiscal year) set forth in sub-  
5   section (a) on the basis of Department of Defense esca-  
6   lation rates. An adjustment under this subsection shall be  
7   effective after the Secretary transmits a written notifica-  
8   tion of the adjustment to the congressional defense com-  
9   mittees.

10   **“§ 2445b. Cost, schedule, and performance informa-**  
11           **tion**

12           “(a) SUBMITTAL OF COST, SCHEDULE, AND PER-  
13   FORMANCE INFORMATION.—The Secretary of Defense  
14   shall submit to Congress each calendar year, not later  
15   than 45 days after the President submits to Congress the  
16   budget for a fiscal year under section 1105 of title 31,  
17   budget justification documents regarding cost, schedule,  
18   and performance for each major automated information  
19   system program for which funds are requested by the  
20   President in the budget.

21           “(b) ELEMENTS.—The documents submitted under  
22   subsection (a) with respect to a major automated informa-  
23   tion system program shall include detailed and summa-  
24   rized information with respect to the automated informa-



1 tion system to be acquired under the program, and shall  
 2 specifically include each of the following:

3           “(1) The development schedule, including major  
 4 milestones.

5           “(2) The implementation schedule, including es-  
 6 timates of milestone dates, initial operational capa-  
 7 bility, and full operational capability

8           “(3) Estimates of development costs and full  
 9 life-cycle costs.

10           “(4) A summary of key performance param-  
 11 eters.

12 **“§ 2445c. Reports: quarterly reports; reports on pro-**  
 13 **gram changes**

14           “(a) QUARTERLY REPORTS BY PROGRAM MAN-  
 15 AGERS.—The program manager of a major automated in-  
 16 formation system program shall, on a quarterly basis, sub-  
 17 mit to the senior Department of Defense official respon-  
 18 sible for the program a written report identifying any vari-  
 19 ance in the projected development schedule, implementa-  
 20 tion schedule, life-cycle costs, or key performance param-  
 21 eters for the major automated information system to be  
 22 acquired under the program from such information as  
 23 originally submitted to Congress under section 2445b of  
 24 this title.

1       “(b) SENIOR OFFICIALS RESPONSIBLE FOR PRO-  
2 GRAMS.—For purposes of this section, the senior Depart-  
3 ment of Defense official responsible for a major automated  
4 information system program is—

5           “(1) in the case of an automated information  
6 system to be acquired for a military department, the  
7 senior acquisition executive for the military depart-  
8 ment; or

9           “(2) in the case of any other automated infor-  
10 mation system to be acquired for the Department of  
11 Defense or any component of the Department of De-  
12 fense, the Under Secretary of Defense for Acquisi-  
13 tion, Technology, and Logistics.

14       “(c) REPORT ON SIGNIFICANT CHANGES IN PRO-  
15 GRAM.—

16           “(1) IN GENERAL.—If, based on a quarterly re-  
17 port submitted by the program manager of a major  
18 automated information system program pursuant to  
19 subsection (a), the senior Department of Defense of-  
20 ficial responsible for the program makes a deter-  
21 mination described in paragraph (2), the official  
22 shall, not later than 45 days after receiving such re-  
23 port, notify the congressional defense committees in  
24 writing of such determination.

1           “(2) COVERED DETERMINATION.—A determina-  
2           tion described in this paragraph with respect to a  
3           major automated information system program is a  
4           determination that—

5                   “(A) there has been a schedule change that  
6                   will cause a delay of more than six months but  
7                   less than a year in any program schedule mile-  
8                   stone or significant event from the schedule  
9                   originally submitted to Congress under para-  
10                  graph (1) or (2) of section 2445b(b) of this  
11                  title;

12                  “(B) the estimated program development  
13                  cost or full life-cycle cost for the program has  
14                  increased by at least 15 percent, but less than  
15                  25 percent, over the original estimate submitted  
16                  to Congress under paragraph (3) of section  
17                  2445b(b) of this title; or

18                  “(C) there has been a significant, adverse  
19                  change in the expected performance of the  
20                  major automated information system to be ac-  
21                  quired under the program from the parameters  
22                  originally submitted to Congress under para-  
23                  graph (4) of section 2445b(b) of this title.

24           “(d) REPORT ON CRITICAL CHANGES IN PRO-  
25           GRAM.—

1           “(1) IN GENERAL.—If, based on a quarterly re-  
2           port submitted by the program manager of a major  
3           automated information system program pursuant to  
4           subsection (a), the senior Department of Defense of-  
5           ficial responsible for the program makes a deter-  
6           mination described in paragraph (2), the official  
7           shall, not later than 60 days after receiving such re-  
8           port—

9                   “(A) carry out an evaluation of the pro-  
10                  gram under subsection (e); and

11                  “(B) submit, through the Secretary of De-  
12                  fense, to the congressional defense committees a  
13                  report meeting the requirements of subsection  
14                  (f).

15           “(2) COVERED DETERMINATION.—A determina-  
16           tion described in this paragraph with respect to a  
17           major automated information system program is a  
18           determination that—

19                   “(A) there has been a schedule change that  
20                  will cause a delay of one year or more in any  
21                  program schedule milestone or significant event  
22                  from the schedule originally submitted to Con-  
23                  gress under paragraph (1) or (2) of section  
24                  2445b(b) of this title;

1           “(B) the estimated program development  
2           cost or full life-cycle cost for the program has  
3           increased by 25 percent or more over the origi-  
4           nal estimate submitted to Congress under para-  
5           graph (3) of section 2445b(b) of this title; or

6           “(C) there has been a change in the ex-  
7           pected performance of the major automated in-  
8           formation system to be acquired under the pro-  
9           gram that will undermine the ability of the sys-  
10          tem to perform the functions anticipated at the  
11          time information on the program was originally  
12          submitted to Congress under section 2445b(b)  
13          of this title.

14          “(e) PROGRAM EVALUATION.—The evaluation of a  
15          major automated information system program conducted  
16          under this subsection for purposes of subsection (d)(1)(A)  
17          shall include an assessment of—

18               “(1) the projected cost and schedule for com-  
19               pleting the program if current requirements are not  
20               modified;

21               “(2) the projected cost and schedule for com-  
22               pleting the program based on reasonable modifica-  
23               tion of such requirements; and

1           “(3) the rough order of magnitude of the cost  
2           and schedule for any reasonable alternative system  
3           or capability.

4           “(f) REPORT ON CRITICAL PROGRAM CHANGES.—A  
5           report on a major automated information system program  
6           conducted under this subsection for purposes of subsection  
7           (d)(1)(B) shall include a written certification (with sup-  
8           porting explanation) stating that—

9           “(1) the automated information system to be  
10          acquired under the program is essential to the na-  
11          tional security or to the efficient management of the  
12          Department of Defense;

13          “(2) there is no alternative to the system which  
14          will provide equal or greater capability at less cost;

15          “(3) the new estimates of the costs, schedule,  
16          and performance parameters with respect to the pro-  
17          gram and system are reasonable; and

18          “(4) the management structure for the program  
19          is adequate to manage and control program costs.

20   **“§ 2445d. Construction with other reporting require-**  
21                   **ments**

22          “In the case of a major automated information sys-  
23          tem program covered by this chapter that is also treatable  
24          as a major defense acquisition program for which reports  
25          would be required under chapter 144 of this title, no re-

1 ports on the program are required under such chapter if  
 2 the requirements of this chapter with respect to the pro-  
 3 gram are met.”.

4 (2) CLERICAL AMENDMENTS.—The tables of  
 5 chapters the beginning of subtitle A of such title,  
 6 and of part IV of subtitle A of such title, are each  
 7 amended by inserting after the item relating to  
 8 chapter 144 the following new item:

**“144A. Major Automated Information System Programs ..2445a”.**

9 (b) REPORT ON REPORTING REQUIREMENTS APPLI-  
 10 CABLE TO MAJOR AUTOMATED INFORMATION SYSTEM  
 11 PROGRAMS.—Not later than 180 days after the date of  
 12 enactment of this Act, the Secretary of Defense shall sub-  
 13 mit to the congressional defense committees a report set-  
 14 ting forth the reporting requirements applicable to major  
 15 automated information system programs as of the date of  
 16 the report, including a specification of such reporting re-  
 17 quirements considered by the Secretary to be duplicative  
 18 or redundant.

19 (c) EFFECTIVE DATE.—

20 (1) IN GENERAL.—The amendments made by  
 21 subsection (a) shall take effect on January 1, 2008,  
 22 and shall apply with respect to any major automated  
 23 information system program for which amounts are  
 24 requested in the budget of the President (as sub-  
 25 mitted to Congress under section 1105 of title 31,

1 United States Code) for a fiscal year after fiscal  
2 year 2008, regardless of whether the acquisition of  
3 the automated information system to be acquired  
4 under the program was initiated before, on, or after  
5 January 1, 2008.

6 (2) REPORT REQUIREMENT.—Subsection (b)  
7 shall take effect on the date of the enactment of this  
8 Act.

9 **SEC. 805. ADJUSTMENT OF ORIGINAL BASELINE ESTIMATE**  
10 **FOR MAJOR DEFENSE ACQUISITION PRO-**  
11 **GRAMS EXPERIENCING COST GROWTH RE-**  
12 **SULTING FROM DAMAGE CAUSED BY HURRI-**  
13 **CANES KATRINA, RITA, AND WILMA.**

14 (a) ADJUSTMENT AUTHORIZED.—Notwithstanding  
15 any limitations under section 2435(d) of title 10, United  
16 States Code, the Secretary of Defense may adjust the  
17 original Baseline Estimate for a major defense acquisition  
18 program that is carried out primarily in the Hurricane  
19 Katrina disaster area, Hurricane Rita disaster area, or  
20 Hurricane Wilma disaster area for the sole purpose of ad-  
21 dressing cost growth in such program that, as determined  
22 by the Secretary, is directly attributable to damage caused  
23 by Hurricane Katrina, Hurricane Rita, or Hurricane  
24 Wilma.



1       (b) NOTICE TO CONGRESS.—The Secretary shall  
2 identify any adjustment to the original Baseline Estimate  
3 of a major defense acquisition program under subsection  
4 (a), and provide an explanation of the basis for such ad-  
5 justment, in the first Selected Acquisition Report that is  
6 submitted under section 2432 of title 10, United States  
7 Code, after such adjustment is made.

8       (c) SUNSET.—The authority to adjust an original  
9 Baseline Estimate for a major defense acquisition pro-  
10 gram under subsection (a) shall expire on the date that  
11 is one year after the date of the enactment of this Act.

12       (d) DEFINITIONS.—In this section:

13           (1) The term “major defense acquisition pro-  
14 gram” has the meaning given that term in section  
15 2430 of title 10, United States Code.

16           (2) The term “original Baseline Estimate”, in  
17 the case of a major defense acquisition program,  
18 means the first baseline description for the program  
19 established under section 2435(a) of title 10, United  
20 States Code.

21           (3) The terms “Hurricane Katrina disaster  
22 area”, “Hurricane Rita disaster area”, and “Hurri-  
23 cane Wilma disaster area” have the meaning given  
24 such terms in section 1400M of the Internal Rev-  
25 enue Code of 1986.

1 **SEC. 806. INTERNAL CONTROLS FOR PROCUREMENTS ON**  
2 **BEHALF OF THE DEPARTMENT OF DEFENSE**  
3 **BY CERTAIN NON-DEFENSE AGENCIES.**

4 (a) INSPECTOR GENERAL REVIEWS AND DETER-  
5 MINATIONS.—

6 (1) IN GENERAL.—For each covered non-de-  
7 fense agency, the Inspector General of the Depart-  
8 ment of Defense and the Inspector General of such  
9 non-defense agency shall, not later than March 15,  
10 2007, jointly—

11 (A) review—

12 (i) the procurement policies, proce-  
13 dures, and internal controls of such non-  
14 defense agency that are applicable to the  
15 procurement of property and services on  
16 behalf of the Department by such non-de-  
17 fense agency; and

18 (ii) the administration of those poli-  
19 cies, procedures, and internal controls; and

20 (B) determine in writing whether—

21 (i) such non-defense agency is compli-  
22 ant with defense procurement require-  
23 ments;

24 (ii) such non-defense agency is not  
25 compliant with defense procurement re-  
26 quirements, but has a program or initiative

1 to significantly improve compliance with  
2 defense procurement requirements;

3 (iii) neither of the conclusions stated  
4 in clauses (i) and (ii) is correct in the case  
5 of such non-defense agency; or

6 (iv) such non-defense agency is not  
7 compliant with defense procurement re-  
8 quirements to such an extent that the in-  
9 terests of the Department of Defense are  
10 at risk in procurements conducted by such  
11 non-defense agency.

12 (2) ACTIONS FOLLOWING CERTAIN DETERMINA-  
13 TIONS.—If the Inspectors General determine under  
14 paragraph (1) that the conclusion stated in clause  
15 (ii), (iii), or (iv) of subparagraph (B) of that para-  
16 graph is correct in the case of a covered non-defense  
17 agency, such Inspectors General shall, not later than  
18 June 15, 2008, jointly—

19 (A) conduct a second review, as described  
20 in subparagraph (A) of that paragraph, regard-  
21 ing such non-defense agency's procurement of  
22 property or services on behalf of the Depart-  
23 ment of Defense in fiscal year 2007; and

1 (B) determine in writing whether such  
2 non-defense agency is or is not compliant with  
3 defense procurement requirements.

4 (b) COMPLIANCE WITH DEFENSE PROCUREMENT  
5 REQUIREMENTS.—For the purposes of this section, a cov-  
6 ered non-defense agency is compliant with defense pro-  
7 curement requirements if such non-defense agency’s pro-  
8 curement policies, procedures, and internal controls appli-  
9 cable to the procurement of products and services on be-  
10 half of the Department of Defense, and the manner in  
11 which they are administered, are adequate to ensure such  
12 non-defense agency’s compliance with the requirements of  
13 laws and regulations that apply to procurements of prop-  
14 erty and services made directly by the Department of De-  
15 fense.

16 (c) MEMORANDA OF UNDERSTANDING BETWEEN IN-  
17 SPECTORS GENERAL.—

18 (1) IN GENERAL.—Not later than 60 days after  
19 the date of the enactment of this Act, the Inspector  
20 General of the Department of Defense and the In-  
21 spector General of each covered non-defense agency  
22 shall enter into a memorandum of understanding  
23 with each other to carry out the reviews and make  
24 the determinations required by this section.

1           (2) SCOPE OF MEMORANDA.—The Inspector  
2       General of the Department of Defense and the In-  
3       specter General of a covered non-defense agency  
4       may by mutual agreement conduct separate reviews  
5       of the procurement of property and services on be-  
6       half of the Department of Defense that are con-  
7       ducted by separate business units, or under separate  
8       governmentwide acquisition contracts, of such non-  
9       defense agency. In any case where such separate re-  
10      views are conducted, the Inspectors General shall  
11      make separate determinations under paragraph (1)  
12      or (2) of subsection (a), as applicable, with respect  
13      to each such separate review.

14      (d) LIMITATIONS ON PROCUREMENTS ON BEHALF OF  
15      DEPARTMENT OF DEFENSE.—

16           (1) LIMITATION DURING REVIEW PERIOD.—  
17      After March 15, 2007, and before June 16, 2008,  
18      no official of the Department of Defense may, except  
19      as provided in subsection (e) or (f), order, purchase,  
20      or otherwise procure property or services in an  
21      amount in excess of \$100,000 through a covered  
22      non-defense agency for which a determination de-  
23      scribed in clause (iii) or (iv) of paragraph (1)(B) of  
24      subsection (a) has been made under subsection (a).

1           (2) LIMITATION AFTER REVIEW PERIOD.—After  
2     June 15, 2008, no official of the Department of De-  
3     fense may, except as provided in subsection (e) or  
4     (f), order, purchase, or otherwise procure property  
5     or services in an amount in excess of \$100,000  
6     through a covered non-defense agency that, having  
7     been subject to review under this section, has not  
8     been determined under this section as being compli-  
9     ant with defense procurement requirements.

10          (3) LIMITATION FOLLOWING FAILURE TO  
11     REACH MOU.—Commencing on the date that is 60  
12     days after the date of the enactment of this Act, if  
13     a memorandum of understanding between the In-  
14     spector General of the Department of Defense and  
15     the Inspector General of a covered non-defense agen-  
16     cy cannot be attained causing the review required by  
17     this section to not be performed, no official of the  
18     Department of Defense, except as provided in sub-  
19     section (e) or (f), may order, purchase or otherwise  
20     procure property or services in an amount in excess  
21     of \$100,000 through such non-defense agency.

22     (e) EXCEPTION FROM APPLICABILITY OF LIMITA-  
23     TIONS.—

24           (1) EXCEPTION.—No limitation applies under  
25     subsection (d) with respect to the procurement of

1 property and services on behalf of the Department  
2 of Defense by a covered non-defense agency during  
3 any period that there is in effect a determination of  
4 the Under Secretary of Defense for Acquisition,  
5 Technology, and Logistics, made in writing, that it  
6 is necessary in the interest of the Department of De-  
7 fense to continue to procure property and services  
8 through such non-defense agency.

9 (2) APPLICABILITY OF DETERMINATION.—A  
10 written determination with respect to a covered non-  
11 defense agency under paragraph (1) is in effect for  
12 the period, not in excess of one year, that the Under  
13 Secretary shall specify in the written determination.  
14 The Under Secretary may extend from time to time,  
15 for up to one year at a time, the period for which  
16 the written determination remains in effect.

17 (f) TERMINATION OF APPLICABILITY OF LIMITA-  
18 TIONS.—Subsection (d) shall cease to apply to a covered  
19 non-defense agency on the date on which the Inspector  
20 General of the Department of Defense and the Inspector  
21 General of such non-defense agency jointly—

22 (1) determine that such non-defense agency is  
23 compliant with defense procurement requirements;  
24 and

1           (2) notify the Secretary of Defense of that de-  
2       termination.

3       (g) IDENTIFICATION OF PROCUREMENTS MADE  
4 DURING A PARTICULAR FISCAL YEAR.—For the purposes  
5 of subsection (a), a procurement shall be treated as being  
6 made during a particular fiscal year to the extent that  
7 funds are obligated by the Department of Defense for that  
8 procurement in that fiscal year.

9       (h) RESOLUTION OF DISAGREEMENTS.—If the In-  
10 spector General of the Department of Defense and the In-  
11 spector General of a covered non-defense agency are un-  
12 able to agree on a joint determination under subsection  
13 (a) or subsection (f), a determination by the Inspector  
14 General of the Department of Defense under such sub-  
15 section shall be conclusive for the purposes of this section.

16       (i) DEFINITIONS.—In this section:

17           (1) The term “covered non-defense agency”  
18       means each of the following:

19                   (A) The Department of Veterans Affairs.

20                   (B) The National Institutes of Health.

21           (2) The term “governmentwide acquisition con-  
22       tract”, with respect to a covered non-defense agency,  
23       means a task or delivery order contract that—

24                   (A) is entered into by the non-defense  
25       agency; and



1 (B) may be used as the contract under  
2 which property or services are procured for one  
3 or more other departments or agencies of the  
4 Federal Government.

5 **SEC. 807. REGULATIONS ON USE OF FIXED PRICE CON-**  
6 **TRACTS IN DEVELOPMENT PROGRAMS.**

7 (a) IN GENERAL.—Not later than 120 days after the  
8 date of the enactment of this Act, the Secretary of Defense  
9 shall modify the regulations of the Department of Defense  
10 on the use of fixed-price type contracts in development  
11 programs.

12 (b) ELEMENTS.—As modified under subsection (a),  
13 the regulations described in that subsection shall—

14 (1) establish a preference for the use of fixed-  
15 price type contracts in development programs to the  
16 maximum extent practicable in light of the level of  
17 program risk; and

18 (2) require the use of fixed-price type contracts  
19 in each contract for system development and dem-  
20 onstration, or operational system development, un-  
21 less the use of a different contract type is specifi-  
22 cally authorized pursuant to subsection (c).

23 (c) AUTHORIZATION OF USE OF DIFFERENT CON-  
24 TRACT TYPE.—

1           (1) IN GENERAL.—As modified under sub-  
2           section (a), the regulations described in that sub-  
3           section shall provide that the Secretary of Defense  
4           may authorize the use of a difference contract type  
5           under subsection (b)(2) with respect to a program  
6           upon a written determination by the Secretary  
7           that—

8                   (A) the program is so complex and tech-  
9                   nically challenging that it would not be prac-  
10                  ticable to reduce program risk to a level that  
11                  would permit the use of a fixed-price type con-  
12                  tract; and

13                  (B) the complexity and technical challenge  
14                  of the program is not the result of a failure to  
15                  meet the certification requirements established  
16                  in section 2366a of title 10, United States  
17                  Code.

18           (2) SUBMITTAL TO CONGRESSIONAL DEFENSE  
19           COMMITTEES.—The regulations shall provide that a  
20           copy of any determination on a program under para-  
21           graph (1), together with an explanation of the basis  
22           for such determination, shall be submitted to the  
23           congressional defense committees with the first Se-  
24           lected Acquisition Report submitted under section

1       2432 of title 10, United States Code, after such de-  
2       termination is made.

3           (3) DELEGATION OF AUTHORITY.—The regula-  
4       tions shall provide that the authority to make a de-  
5       termination under paragraph (1) may not be dele-  
6       gated below the level of the Under Secretary of De-  
7       fense for Acquisition, Technology, and Logistics.

8           (c) REPEAL OF SUPERSEDED REQUIREMENTS.—Sec-  
9       tion 807 of the National Defense Authorization Act for  
10      Fiscal Year 1989 (10 U.S.C. 2304 note) is repealed.

11       (d) EFFECTIVE DATE OF REGULATIONS.—

12           (1) IN GENERAL.—The modified regulations re-  
13      quired under this section shall apply to any contract  
14      entered into after the date that is 120 days after the  
15      date of the enactment of this Act.

16           (2) SYSTEM DEVELOPMENT AND DEMONSTRA-  
17      TION OR OPERATIONAL SYSTEM DEVELOPMENT.—  
18      The modification required by subsection (b)(2) in  
19      the regulations shall apply with respect to programs  
20      that enter into system development and demonstra-  
21      tion, or operational system development, after the  
22      date that is 120 days after the date of the enact-  
23      ment of this Act.

1 **SEC. 808. AVAILABILITY OF FUNDS FOR PERFORMANCE-**  
2 **BASED LOGISTICS CONTRACTS FOR WEAPON**  
3 **SYSTEMS LOGISTICS SUPPORT.**

4 (a) AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS.—

6 (1) IN GENERAL.—Amounts available to the  
7 Department of Defense for operation and maintenance—  
8 nance—

9 (A) are available for performance-based logistics contracts for weapon systems; and

11 (B) subject to paragraph (2), may be used  
12 in accordance with the terms of such contracts  
13 to implement engineering changes that result in  
14 a reduction of the operation and maintenance  
15 costs to the Government of such systems.

16 (2) LIMITATION.—Funds may not be used for  
17 a performance-based logistics contract to implement  
18 engineering changes the total cost of which is expected to exceed \$20,000,000.

20 (b) NOTICE TO CONGRESS ON ENTRY INTO CONTRACTS.—

22 (1) IN GENERAL.—Not later than 30 days before entering into a performance-based logistics contract under this section, the Secretary of a military department shall submit to Congress a notice of intent to enter into such contract.

1           (2) ELEMENTS.—The notice on a performance-  
2       based logistics contract under paragraph (1) shall  
3       include the following:

4           (A) A statement that the military depart-  
5       ment concerned—

6           (i) has performed a business case  
7       analysis for such contract;

8           (ii) has determined, based on such  
9       analysis, that there is a reasonable expect-  
10      tation that such contract will result in an  
11      overall reduction of operation and mainte-  
12      nance costs with respect to a weapon sys-  
13      tem; and

14          (iii) has specific plans in place to—

15           (I) update such analysis at ap-  
16      propriate decision points when suffi-  
17      cient cost and performance data have  
18      been collected to validate the assump-  
19      tions used in developing such analysis;  
20      and

21           (II) periodically review and vali-  
22      date the propriety and integrity of  
23      program performance measures, and  
24      verify the reliability of contractor cost

1 and performance data, with respect to  
2 such contract.

3 (B) An estimate of the projected cost and  
4 savings from such contract, together with an  
5 explanation of the basis for such estimates.

6 (c) PERFORMANCE-BASED LOGISTICS CONTRACT  
7 DEFINED.—In this section, the term “performance-based  
8 logistics contract” means a contract for the acquisition of  
9 logistics support (whether at the system, subsystem, or  
10 major assembly level) for a weapon system that combines  
11 logistics support in an integrated, affordable, performance  
12 package designed to optimize system readiness and meet  
13 performance goals for the weapon system through long-  
14 term support arrangements with clear lines of authority  
15 and responsibility for the provision of such support.

16 (d) REPORT.—

17 (1) IN GENERAL.—Not later than March 1,  
18 2012, the Secretary of Defense shall submit to the  
19 congressional defense committees a report on the  
20 status of all performance-bases logistics contracts  
21 entered into pursuant to this section.

22 (2) ELEMENTS.—The report under paragraph  
23 (1) shall include, for each contract covered by such  
24 report, a comparison of the projected cost and sav-  
25 ings of such contract (as estimated in the notice to

1 Congress under subsection (b)(2)(B)) with the ac-  
 2 tual cost and savings of such contract (as deter-  
 3 mined in accordance with the plan for such contract  
 4 under subsection (b)(2)(A)(iii)).

5 (e) SUNSET.—

6 (1) IN GENERAL.—The authority to enter con-  
 7 tracts under this section shall terminate on Sep-  
 8 tember 30, 2012.

9 (2) EFFECT ON EXISTING CONTRACTS.—The  
 10 termination under paragraph (1) of the authority to  
 11 enter contracts under this section shall not affect  
 12 the use of funds for purposes authorized by sub-  
 13 section (a) under contracts entered on or before the  
 14 date specified in that paragraph.

15 **SEC. 809. QUALITY CONTROL IN PROCUREMENT OF SHIP**  
 16 **CRITICAL SAFETY ITEMS AND RELATED**  
 17 **SERVICES.**

18 (a) QUALITY CONTROL POLICY.—The Secretary of  
 19 Defense shall prescribe in regulations a quality control  
 20 policy for the procurement of the following:

21 (1) Ship critical safety items.

22 (2) Modifications, repair, and overhaul of ship  
 23 critical safety items.

24 (b) ELEMENTS.—The policy required under sub-  
 25 section (a) shall include requirements as follows:

1           (1) That the head of the design control activity  
2           for ship critical safety items establish processes to  
3           identify and manage the procurement, modification,  
4           repair, and overhaul of such items.

5           (2) That the head of the contracting activity for  
6           a ship critical safety item enter into a contract for  
7           the procurement, modification, repair, or overhaul of  
8           such item only with a source on a qualified manufac-  
9           turers list or a source approved by the design control  
10          activity in accordance with section 2319 of title 10,  
11          United States Code (as amended by subsection (d)).

12          (3) That the ship critical safety items delivered,  
13          and the services performed with respect to such  
14          items, meet all technical and quality requirements  
15          specified by the design control activity.

16          (c) DEFINITIONS.—In this section, the terms “ship  
17          critical safety item” and “design control activity” have the  
18          meanings given such terms in subsection (g) of 2319 of  
19          title 10, United States Code (as so amended).

20          (d) CONFORMING AMENDMENTS.—Section 2319 of  
21          title 10, United States Code, is amended—

22                (1) in subsection (c)(3), by inserting “or ship  
23                critical safety item” after “aviation critical safety  
24                item”; and

25                (2) in subsection (g)—



1 (A) by redesignating paragraph (2) as  
 2 paragraph (3);

3 (B) by inserting after paragraph (1) the  
 4 following new paragraph (2):

5 “(2) The term ‘ship critical safety item’ means  
 6 any ship part, assembly, or support equipment con-  
 7 taining a characteristic the failure, malfunction, or  
 8 absence of which could cause a catastrophic or crit-  
 9 ical failure resulting in loss of or serious damage to  
 10 the ship or unacceptable risk of personal injury or  
 11 loss of life.”; and

12 (C) in paragraph (3), as so redesignated—

13 (i) by inserting “or ship critical safety  
 14 item” after “aviation critical safety item”;

15 (ii) by inserting “, or the seaworthi-  
 16 ness of a ship or ship equipment,” after  
 17 “equipment”; and

18 (iii) by striking “the item” and insert-  
 19 ing “such item”.

20 **SEC. 810. THREE-YEAR EXTENSION OF REQUIREMENT FOR**  
 21 **REPORTS ON COMMERCIAL PRICE TREND**  
 22 **ANALYSES OF THE DEPARTMENT OF DE-**  
 23 **FENSE.**

24 Section 803(c)(4) of the Strom Thurmond National  
 25 Defense Authorization Act for Fiscal Year 1999 (10

1 U.S.C. 2306a note) is amended by striking “2006” and  
2 inserting “2009”.

3 **SEC. 811. PILOT PROGRAM ON TIME-CERTAIN DEVELOP-**  
4 **MENT IN ACQUISITION OF MAJOR WEAPON**  
5 **SYSTEMS.**

6 (a) PILOT PROGRAM AUTHORIZED.—The Secretary  
7 of Defense may carry out a pilot program on the use of  
8 time-certain development in the acquisition of major weap-  
9 on systems.

10 (b) PURPOSE OF PILOT PROGRAM.—The purpose of  
11 the pilot program authorized by subsection (a) is to assess  
12 the feasibility and advisability of utilizing time-certain de-  
13 velopment in the acquisition of major weapon systems in  
14 order to deliver new capabilities to the warfighter more  
15 rapidly through disciplined decision-making, emphasis on  
16 technological maturity, and appropriate trade-offs between  
17 system performance and schedule.

18 (c) INCLUSION OF SYSTEMS IN PILOT PROGRAM.—

19 (1) IN GENERAL.—The decision whether to in-  
20 clude a major weapon system in the pilot program  
21 shall be made by the Milestone Decision Authority  
22 for the acquisition program for the system.

23 (2) CRITERIA.—A major weapon system may be  
24 included in the pilot program only if the Milestone  
25 Decision Authority determines, in consultation with

1 the service acquisition executive for the military de-  
2 partment carrying out the acquisition program for  
3 the system and one or more combatant commanders  
4 responsible for fielding the system, that—

5 (A) the certification requirements of sec-  
6 tion 2366a of title 10, United States Code, have  
7 been met, and no waivers have been granted  
8 from such requirements;

9 (B) a preliminary design has been com-  
10 pleted after appropriate requirements analysis  
11 using systems engineering, and the system, as  
12 so designed, will meet battlefield needs identi-  
13 fied by the relevant combatant commanders;

14 (C) all critical technologies needed to meet  
15 system requirements have been demonstrated in  
16 an operational environment;

17 (D) an independent cost estimate has been  
18 conducted and used as the basis for funding re-  
19 quirements for the acquisition program for the  
20 system;

21 (E) the budget of the military department  
22 responsible for carrying out the acquisition pro-  
23 gram for the system provides the funding nec-  
24 essary to execute the product development and

1 production plan consistent with the require-  
2 ments identified pursuant to subparagraph (D);

3 (F) an appropriately-qualified program  
4 manager has entered into a performance agree-  
5 ment with the Milestone Decision Authority  
6 that establishes expected parameters for the  
7 cost, schedule, and performance of the acquisi-  
8 tion program for the system, consistent with a  
9 business case for such acquisition program;

10 (G) the service acquisition executive and  
11 the program manager have agreed that the pro-  
12 gram manager will continue in such position  
13 until the delivery of the initial operational capa-  
14 bility under the acquisition program for the sys-  
15 tem;

16 (H) the service acquisition executive, the  
17 relevant combatant commanders, and the pro-  
18 gram manager have agreed that no additional  
19 requirements will be added during the develop-  
20 ment phase of the acquisition program for the  
21 system; and

22 (I) a planned initial operational capability  
23 will be delivered to the relevant combatant com-  
24 manders no more than 6 years after the date of  
25 the milestone B approval for the system.

1           (3) TIMING OF DECISION.—The decision wheth-  
2       er to include a major weapon system in the pilot  
3       program shall be made at the time of milestone ap-  
4       proval for the acquisition program for the system.

5           (d) LIMITATION ON NUMBER OF SYSTEM IN PILOT  
6       PROGRAM.—The number of major weapon systems in-  
7       cluded in the pilot program at any time may not exceed  
8       12 major weapon systems.

9           (e) SPECIAL FUNDING AUTHORITY.—

10          (1) AUTHORITY FOR RESERVE ACCOUNT.—Not-  
11       withstanding any other provision of law, the Sec-  
12       retary of Defense may establish a special reserve ac-  
13       count utilizing funds made available for the major  
14       weapon systems included in the pilot program.

15          (2) ELEMENTS.—The special reserve account  
16       may include—

17               (A) funds made available for any major  
18       weapon system included in the pilot program to  
19       cover termination liability;

20               (B) funds made available for any major  
21       weapon system included in the pilot program  
22       for award fees that may be earned by contrac-  
23       tors; and

24               (C) funds appropriated to the special re-  
25       serve account.

1           (3) AVAILABILITY OF FUNDS.—Funds in the  
2           special reserve account may be used, in accordance  
3           with guidance issued by the Secretary for purposes  
4           of this section, for the following purposes:

5                   (A) To cover termination liability for any  
6                   major weapon system included in the pilot pro-  
7                   gram.

8                   (B) To pay award fees that are earned by  
9                   any contractor for a major weapon system in-  
10                  cluded in the pilot program.

11                  (C) To address unforeseen contingencies  
12                  that could prevent a major weapon system in-  
13                  cluded in the pilot program from meeting crit-  
14                  ical schedule or performance requirements.

15           (4) REPORTS ON USE OF FUNDS.—Not later  
16           than 30 days after the use of funds in the special  
17           reserve account for the purpose specified in para-  
18           graph (3)(C), the Secretary shall submit to the con-  
19           gressional defense committees a report on report the  
20           use of funds in the account for such purpose. The  
21           report shall set forth the purposes for which the  
22           funds were used and the reasons for the use of the  
23           funds for such purposes.

24           (f) ADMINISTRATION OF PILOT PROGRAM.—The Sec-  
25           retary of Defense shall prescribe policies and procedures

1 on the administration of the pilot program. Such policies  
2 and procedures shall—

3 (1) provide for the use of program status re-  
4 ports based on earned value data to track progress  
5 on a major weapon system under the pilot program  
6 against baseline estimates applicable to such system  
7 at each systems engineering technical review point;  
8 and

9 (2) grant authority to the program manager for  
10 the acquisition program for a major weapon system  
11 to make key program decisions and trade-offs, sub-  
12 ject to management reviews only if cost or schedule  
13 deviations exceed 10 percent baselines for such ac-  
14 quisition program.

15 (g) EXPIRATION OF AUTHORITY TO INCLUDE ADDI-  
16 TIONAL SYSTEMS IN PILOT PROGRAM.—

17 (1) EXPIRATION.—A major weapon system may  
18 not be included in the pilot program after September  
19 30, 2012.

20 (2) RETENTION OF SYSTEMS.—A major weapon  
21 system included in the pilot program before the date  
22 specified in paragraph (1) in accordance with the re-  
23 quirements of this section may remain in the pilot  
24 program after that date.

25 (h) ANNUAL REPORT.—

1           (1) IN GENERAL.—Not later than one year  
2       after including the first major weapon system in the  
3       pilot program, and annually thereafter, the Sec-  
4       retary shall submit to the congressional defense com-  
5       mittees a report on the pilot program, and the major  
6       weapon systems included in the pilot program, dur-  
7       ing the one-year period ending on the date of such  
8       report.

9           (2) ELEMENTS.—Each report under this sub-  
10      section shall include—

11           (A) a description of progress under the  
12      pilot program, and on each major weapon sys-  
13      tem included in the pilot program, during the  
14      period covered by such report; and

15           (B) such other matters as the Secretary  
16      considers appropriate.

17      (i) MAJOR WEAPON SYSTEM DEFINED.—In this sec-  
18      tion, the term “major weapon system” means a weapon  
19      system that is treatable as a major system under section  
20      2302(5) of title 10, United States Code.



**Subtitle B—Defense Industrial  
Base Matters**

**SEC. 821. REMOVAL OF HAND AND MEASURING TOOLS  
FROM CERTAIN REQUIREMENTS.**

(a) IN GENERAL.—Subsection (b) of section 2533a of title 10, United States Code, is amended by striking paragraph (3).

(b) CONFORMING AMENDMENT.—Subsection (d) of such section is amended by striking “(b)(1)(A), (b)(2), or (b)(3)” each place it appears and inserting “(b)(1)(A) or (b)(2)”.

**SEC. 822. SUBSTITUTION OF SPECIALTY METALS WITH TI-  
TANIUM AND NICKEL UNDER CERTAIN RE-  
QUIREMENTS.**

(a) IN GENERAL.—Subsection (b) of section 2533a of title 10, United States Code, as amended by section 821(a) of this Act, is further amended by striking paragraph (2) and inserting the following new paragraphs:

“(2) Titanium.

“(3) Nickel.”.

(b) CONFORMING AMENDMENTS.—Such section 2533a is further amended—

(1) in subsection (c), by striking “or specialty metals (including stainless steel flatware)” and inserting “, titanium, or nickel”; and

1 (2) in subsection (e)—

2 (A) in the subsection caption, by striking  
3 “SPECIALTY METALS” and inserting “TITA-  
4 NIUM, NICKEL,”; and

5 (B) in the matter preceding paragraph (1),  
6 by striking “specialty metals” and inserting “ti-  
7 tanium, nickel,”.

8 **SEC. 823. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR**  
9 **CONTENT REQUIREMENTS.**

10 (a) **AUTHORITY.**—Subchapter V of chapter 148 of  
11 title 10, United States Code, is amended by adding at the  
12 end the following new section:

13 **“§ 2539c. Waiver of domestic source or content re-**  
14 **quirements**

15 “(a) **AUTHORITY.**—Except as provided in subsection  
16 (f), the Secretary of Defense may waive the application  
17 of any domestic source requirement or domestic content  
18 requirement referred to in subsection (b) and thereby au-  
19 thorize the procurement of items that are grown, reproc-  
20 essed, reused, produced, or manufactured—

21 “(1) in a foreign country that has a Declaration  
22 of Principles with the United States;

23 “(2) in a foreign country that has a Declaration  
24 of Principles with the United States substantially  
25 from components and materials grown, reprocessed,

1 reused, produced, or manufactured in the United  
2 States or any foreign country that has a Declaration  
3 of Principles with the United States; or

4 “(3) in the United States substantially from  
5 components and materials grown, reprocessed, re-  
6 used, produced, or manufactured in the United  
7 States or any foreign country that has a Declaration  
8 of Principles with the United States.

9 “(b) COVERED REQUIREMENTS.—For purposes of  
10 this section:

11 “(1) A domestic source requirement is any re-  
12 quirement under law that the Department of De-  
13 fense satisfy its requirements for an item by pro-  
14 curing an item that is grown, reprocessed, reused,  
15 produced, or manufactured in the United States or  
16 by a manufacturer that is a part of the national  
17 technology and industrial base (as defined in section  
18 2500(1) of this title).

19 “(2) A domestic content requirement is any re-  
20 quirement under law that the Department of De-  
21 fense satisfy its requirements for an item by pro-  
22 curing an item produced or manufactured partly or  
23 wholly from components and materials grown, re-  
24 processed, reused, produced, or manufactured in the  
25 United States.

1       “(c) APPLICABILITY.—The authority of the Secretary  
2 to waive the application of a domestic source or content  
3 requirements under subsection (a) applies to the procure-  
4 ment of items for which the Secretary of Defense deter-  
5 mines that—

6           “(1) application of the requirement would im-  
7 pede the reciprocal procurement of defense items  
8 under a Declaration of Principles with the United  
9 States; and

10          “(2) such country does not discriminate against  
11 defense items produced in the United States to a  
12 greater degree than the United States discriminates  
13 against defense items produced in that country.

14       “(d) LIMITATION ON DELEGATION.—The authority  
15 of the Secretary to waive the application of domestic  
16 source or content requirements under subsection (a) may  
17 not be delegated to any officer or employee other than the  
18 Under Secretary of Defense for Acquisition, Technology,  
19 and Logistics.

20       “(e) CONSULTATIONS.—The Secretary may grant a  
21 waiver of the application of a domestic source or content  
22 requirement under subsection (a) only after consultation  
23 with the United States Trade Representative, the Sec-  
24 retary of Commerce, and the Secretary of State.

1       “(f) LAWS NOT WAIVABLE.—The Secretary of De-  
2 fense may not exercise the authority under subsection (a)  
3 to waive any domestic source or content requirement con-  
4 tained in any of the following laws:

5               “(1) The Small Business Act (15 U.S.C. 631 et  
6 seq.).

7               “(2) The Javits-Wagner-O’Day Act (41 U.S.C.  
8 46 et seq.).

9               “(3) Sections 7309 and 7310 of this title.

10              “(4) Section 2533a of this title.

11       “(g) RELATIONSHIP TO OTHER WAIVER AUTHOR-  
12 ITY.—The authority under subsection (a) to waive a do-  
13 mestic source requirement or domestic content require-  
14 ment is in addition to any other authority to waive such  
15 requirement.

16       “(h) CLARIFICATION OF RELATIONSHIP WITH BUY  
17 AMERICAN ACT.—Nothing in this section shall be con-  
18 strued to alter in any way the applicability of the Buy  
19 American Act (41 U.S.C. 10a), or the authority of the  
20 Secretary of Defense to waive the requirements of such  
21 Act, with respect to the procurement of any item to which  
22 such Act would apply without regard to this section.

23       “(i) CONSTRUCTION WITH RESPECT TO LATER EN-  
24 ACTED LAWS.—This section may not be construed as  
25 being inapplicable to a domestic source requirement or do-

1 mestic content requirement that is set forth in a law en-  
2 acted after the enactment of this section solely on the  
3 basis of the later enactment.

4 “(j) DECLARATION OF PRINCIPLES.—(1) In this sec-  
5 tion, the term ‘Declaration of Principles’ means a written  
6 understanding (including any Statement of Principles) be-  
7 tween the Department of Defense and its counterpart in  
8 a foreign country signifying a cooperative relationship be-  
9 tween the Department and its counterpart to standardize  
10 or make interoperable defense equipment used by the  
11 armed forces and the armed forces of the foreign country  
12 across a broad spectrum of defense activities, including—

13 “(A) harmonization of military requirements  
14 and acquisition processes;

15 “(B) security of supply;

16 “(C) export procedures;

17 “(D) security of information;

18 “(E) ownership and corporate governance;

19 “(F) research and development;

20 “(G) flow of technical information; and

21 “(H) defense trade.

22 “(2) A Declaration of Principles is underpinned by  
23 a memorandum of understanding or other agreement pro-  
24 viding for the reciprocal procurement of defense items be-  
25 tween the United States and the foreign country con-

1 cerned without unfair discrimination in accordance with  
 2 section 2531 of this title.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
 4 at the beginning of such subchapter is amended by insert-  
 5 ing after the item relating to section 2539b the following  
 6 new item:

“2539c. Waiver of domestic source or content requirements.”.

7 **SEC. 824. REPEAL OF REQUIREMENT FOR IDENTIFICATION**  
 8 **OF ESSENTIAL MILITARY ITEMS AND MILI-**  
 9 **TARY SYSTEM ESSENTIAL ITEM BREAKOUT**  
 10 **LIST.**

11 Section 813 of the National Defense Authorization  
 12 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
 13 1543) is repealed.

14 **SEC. 825. CONSISTENCY WITH UNITED STATES OBLIGA-**  
 15 **TIONS UNDER TRADE AGREEMENTS.**

16 No provision of this Act or any amendment made by  
 17 this Act shall apply to a procurement by or for the Depart-  
 18 ment of Defense to the extent that the Secretary of De-  
 19 fense, in consultation with the Secretary of Commerce, the  
 20 United States Trade Representative, and the Secretary of  
 21 State, determines that it is inconsistent with United  
 22 States obligations under a trade agreement.

1       **Subtitle C—Defense Contractor**  
2                               **Matters**

3       **SEC. 841. REQUIREMENTS FOR DEFENSE CONTRACTORS**  
4                               **RELATING TO CERTAIN FORMER DEPART-**  
5                               **MENT OF DEFENSE OFFICIALS.**

6               (a) REQUIREMENTS.—

7                       (1) IN GENERAL.—Chapter 141 of title 10,  
8               United States Code, is amended by adding at the  
9               end the following new section:

10      **“§ 2410p. Defense contractors: requirements con-**  
11                               **cerning former Department of Defense of-**  
12                               **icials**

13               “(a) IN GENERAL.—Each contract for the procure-  
14      ment of goods or services in excess of \$10,000,000, other  
15      than a contract for the procurement of commercial items,  
16      that is entered into by the Department of Defense shall  
17      include a provision under which the contractor agrees to  
18      submit to the Secretary of Defense, not later than April  
19      1 of each year such contract is in effect, a written report  
20      setting forth the information required by subsection (b).

21               “(b) REPORT INFORMATION.—Except as provided in  
22      subsection (c), a report by a contractor under subsection

23      (a) shall—

24                       “(1) list the name of each person who—



1           “(A) is a former officer or employee of the  
2           Department of Defense or a former or retired  
3           member of the armed forces who served—

4                   “(i) in an Executive Schedule position  
5                   under subchapter II of chapter 53 of title  
6                   5;

7                   “(ii) in a position in the Senior Exec-  
8                   utive Service under subchapter VIII of  
9                   chapter 53 of title 5;

10                  “(iii) in a general or flag officer posi-  
11                  tion compensated at a rate of pay for  
12                  grade 0–7 or above under section 201 of  
13                  title 37; or

14                  “(iv) as a program manager, deputy  
15                  program manager, procuring contracting  
16                  officer, administrative contracting officer,  
17                  source selection authority, member of the  
18                  source selection evaluation board, or chief  
19                  of a financial or technical evaluation team  
20                  for a contract with a value in excess of  
21                  \$10,000,000; and

22           “(B) during the preceding calendar year  
23           was provided compensation by the contractor, if  
24           such compensation was first provided by the  
25           contractor not more than two years after such

1           officer, employee, or member left service in the  
2           Department of Defense; and

3           “(2) in the case of each person listed under  
4       paragraph (1)—

5           “(A) identify the agency in which such per-  
6           son was employed or served on active duty dur-  
7           ing the last two years of such person’s service  
8           with the Department of Defense;

9           “(B) state such person’s job title and iden-  
10          tify each major defense system, if any, on which  
11          such person performed any work with the De-  
12          partment of Defense during the last two years  
13          of such person’s service with the Department;  
14          and

15          “(C) state such person’s current job title  
16          with the contractor and identify each major de-  
17          fense system on which such person has per-  
18          formed any work on behalf of the contractor.

19          “(c) DUPLICATE INFORMATION NOT REQUIRED.—An  
20       annual report submitted by a contractor pursuant to sub-  
21       section (b) need not provide information with respect to  
22       any former officer or employee of the Department of De-  
23       fense or former or retired member of the armed forces  
24       if such information has already been provided in a pre-

vious annual report filed by such contractor under this section.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

“2410p. Defense contractors: requirements concerning former Department of Defense officials.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to contracts entered into on or after that date.

#### SEC. 842. LEAD SYSTEMS INTEGRATORS.

(a) LIMITATIONS ON CONTRACTORS ACTING AS LEAD SYSTEMS INTEGRATORS.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, as amended by section 841(a)(1) of this Act, is further amended by adding at the end the following new section:

#### “§ 2410q. Contracts: limitations on lead systems integrators

“(a) IN GENERAL.—Except as provided in subsection (b), no contractor performing any inherently governmental functions, or functions closely associated with inherently governmental functions, relating to the acquisition, engineering, structuring, planning, integration, management,

1 or control of a system of systems, regardless of whether  
2 or not such contractor is expressly designated as a so-  
3 called ‘lead systems integrator’, may have any financial  
4 interest in the development or construction of any indi-  
5 vidual system or element of such system of systems.

6 “(b) EXCEPTION.—A contractor described in sub-  
7 section (a) may have a financial interest in the develop-  
8 ment or construction of an individual system or element  
9 of a system of systems if the Secretary of Defense certifies  
10 to the congressional defense committees that—

11 “(1) the contractor is the preferred best of in-  
12 dustry supplier of the system or element concerned;  
13 and

14 “(2) the contractor was selected to develop or  
15 construct the system or element concerned only after  
16 a formal competition for such system or element  
17 conducted by the Department of Defense in which  
18 the contractor participated only as a respondent to  
19 the request for proposal (RFP) under the competi-  
20 tion.

21 “(c) CONSTRUCTION.—Nothing in this section shall  
22 be construed to preclude a contractor described in sub-  
23 section (a) from performing work necessary to integrate  
24 two or more individual systems or elements of a system  
25 of systems with each other.

1 “(d) DEFINITIONS.—In this section:

2 “(1) The term ‘best of industry’, with respect  
3 to the development or construction of a system or  
4 element by a contractor, means that the contractor  
5 provides the Government any of the following in the  
6 development or construction of the system or ele-  
7 ment for the Government:

8 “(A) Best overall value.

9 “(B) Best technology.

10 “(C) Best capability.

11 “(D) Best availability.

12 “(2) The term ‘functions closely associated with  
13 inherently governmental functions’ has the meaning  
14 given such term in section 2383(b)(3) of this title.

15 “(3) The term ‘inherently governmental func-  
16 tions’ has the meaning given such term in section  
17 2383(b)(2) of this title.

18 “(4) The term ‘system of systems’ means a set  
19 of interdependent systems, including one or more  
20 major weapon systems, that are related to provide a  
21 given capability and in which the loss of any one  
22 would significantly degrade the performance or capa-  
23 bilities of the set of systems as a whole.”.

24 (2) CLERICAL AMENDMENT.—The table of sec-  
25 tions at the beginning of chapter 141 of such title,

1 as amended by section 841(a)(2) of this Act, is fur-  
2 ther amended by adding at the end the following  
3 new item:

“2410q. Contracts: limitations on lead systems integrators.”.

4 (3) EFFECTIVE DATE.—The amendments made  
5 by subsection (a) shall take effect on the date of the  
6 enactment of this Act, and shall apply with respect  
7 to contracts entered into on or after that date.

8 (b) UPDATE OF REGULATIONS ON LEAD SYSTEMS  
9 INTEGRATORS.—Not later than December 31, 2006, the  
10 Secretary of Defense shall update the acquisition regula-  
11 tions of the Department of Defense in order to specify  
12 fully in such regulations the matters with respect to lead  
13 systems integrators set forth in section 805(b) of the Na-  
14 tional Defense Authorization for Fiscal Year 2006 (Public  
15 Law 109–163; 119 Stat. 3372).

16 (c) DEFINITION OF LEAD SYSTEMS INTEGRATOR.—

17 (1) DEFINITION REQUIRED.—The Secretary of  
18 Defense shall include in the report required by sec-  
19 tion 805 of the National Defense Authorization for  
20 Fiscal Year 2006 a precise and comprehensive defi-  
21 nition of the term “lead systems integrator”, as that  
22 term is utilized in such section.

23 (2) MATTERS TO BE ADDRESSED.—In defining  
24 the term “lead systems integrator” under paragraph

1       (1), the Secretary shall take into account the fol-  
2       lowing:

3               (A) The importance of lead systems inte-  
4               grators in the production, fielding, and  
5               sustainment of complex systems, including their  
6               role in addressing increases in cost, the evo-  
7               lution of interoperability requirements, and the  
8               maintenance and sustainment of critical capa-  
9               bilities.

10              (B) The unique engineering and integra-  
11              tion skills of lead systems integrators.

12              (C) The management and organizational  
13              skills and capabilities of lead systems integra-  
14              tors, including the capacity of lead systems in-  
15              tegrators to facilitate the participation of small  
16              and disadvantaged businesses in the production,  
17              fielding, and sustainment of complex systems.

18       (d) CONTRACT TYPES AND FEE STRUCTURES.—The  
19       Secretary of Defense shall include in the report required  
20       by section 805 of the National Defense Authorization for  
21       Fiscal Year 2006 a specification of various types of con-  
22       tracts and fee structures, including award and incentive  
23       fees, that are appropriate for use by lead systems integra-  
24       tors in the production, fielding, and sustainment of com-  
25       plex systems.

1 **SEC. 843. LINKING OF AWARD AND INCENTIVE FEES TO AC-**  
2 **QUISITION OUTCOMES.**

3 (a) GUIDANCE ON LINKING OF AWARD AND INCEN-  
4 TIVE FEES TO ACQUISITION OUTCOMES.—Not later than  
5 180 days after the date of the enactment of this Act, the  
6 Secretary of Defense shall issue guidance, with detailed  
7 implementation instructions (including definitions), for  
8 the Department of Defense on the appropriate use of  
9 award and incentive fees in Department of Defense acqui-  
10 sition programs.

11 (b) ELEMENTS.—The guidance under subsection (a)  
12 shall—

13 (1) ensure that all new contracts using award  
14 fees link such fees to acquisition outcomes (which  
15 shall be defined in terms of program cost, schedule,  
16 and performance);

17 (2) provide guidance on the circumstances in  
18 which contractor performance may be judged to be  
19 “excellent” or “superior” and the percentage of the  
20 available award fee which contractors should be paid  
21 for such performance;

22 (3) establish standards for determining the per-  
23 centage of the available award fee, if any, which con-  
24 tractors should be paid for performance that is  
25 judged to be “acceptable”, “average”, “expected”,  
26 “good”, or “satisfactory”;



1           (4) ensure that no award fee may be paid for  
2           contractor performance that is judged to be poor;

3           (5) provide specific direction on the cir-  
4           cumstances, if any, in which it may be appropriate  
5           to roll over award fees that are not earned in one  
6           award fee period to a subsequent award fee period  
7           or periods;

8           (6) ensure that the Department of Defense—

9                   (A) collects relevant data on award and in-  
10           centive fees paid to contractors; and

11                   (B) has mechanisms in place to evaluate  
12           such data on a regular basis;

13           (7) include performance measures to evaluate  
14           the effectiveness of award and incentive fees as a  
15           tool for improving contractor performance and  
16           achieving desired program outcomes; and

17           (8) provide mechanisms for sharing proven in-  
18           centive strategies for the acquisition of different  
19           types of products and services among contracting  
20           and program management officials.

21           (c) ASSESSMENT OF INDEPENDENT EVALUATION  
22           MECHANISMS.—

23                   (1) IN GENERAL.—The Secretary of Defense  
24           shall select a federally-funded research and develop-  
25           ment center to assess various mechanisms that could

1 be used to ensure an independent evaluation of con-  
2 tractor performance for the purpose of making de-  
3 terminations applicable to the judging and payment  
4 of award fees.

5 (2) CONSIDERATIONS.—The assessment con-  
6 ducted pursuant to paragraph (1) shall include con-  
7 sideration of the advantages and disadvantages of a  
8 system in which award fees are—

9 (A) held in a separate fund or funds of the  
10 Department of Defense; and

11 (B) allocated to a specific program only  
12 upon a determination by an independent board,  
13 charged with comparing contractor performance  
14 across programs, that such fees have been  
15 earned by the contractor for such program.

16 (3) REPORT.—The Secretary shall submit to  
17 the congressional defense committees a report on the  
18 assessment conducted pursuant to paragraph (1) not  
19 later than one year after the date of the enactment  
20 of this Act.

21 **SEC. 844. PROHIBITION ON EXCESSIVE PASS-THROUGH**  
22 **CHARGES.**

23 (a) REGULATIONS REQUIRED.—Not later than 120  
24 days after the date of the enactment of this Act, the Sec-  
25 retary of Defense shall prescribe regulations prohibiting

1 excessive pass-through charges on contracts or sub-  
2 contracts (or task or delivery orders) that are entered into  
3 for or on behalf of the Department of Defense that are  
4 in excess of the simplified acquisition threshold, as speci-  
5 fied in section 4(11) of the Office of Federal Procurement  
6 Policy Act (41 U.S.C. 403(11)).

7 (b) SCOPE OF REGULATIONS.—The regulations pre-  
8 scribed under this section shall not apply to any firm,  
9 fixed-price contract or subcontract (or task or delivery  
10 order) that is—

11 (1) awarded on the basis of adequate price com-  
12 petition; or

13 (2) for the acquisition of a commercial item, as  
14 defined in section 4(12) of the Office of Federal  
15 Procurement Policy Act (41 U.S.C. 403(12)).

16 (c) DEFINITIONS.—In this section:

17 (1) The term “excessive pass-through charge”  
18 means a charge by a covered contractor or subcon-  
19 tractor for overhead or profit on work performed by  
20 a covered lower-tier contractor (other than charges  
21 for the direct costs of managing lower-tier contracts  
22 and overhead and profit based on such direct costs).

23 (2) The term “covered contractor” means the  
24 following:

1           (A) A contractor that assigns work ac-  
2           counting for more than 90 percent of the cost  
3           of contract performance (not including overhead  
4           or profit) to subcontractors.

5           (B) In the case of a contract providing for  
6           the development or production of more than one  
7           weapon system, a contractor that assigns work  
8           accounting for more than 90 percent of the cost  
9           of contract performance (not including overhead  
10          or profit) for any particular weapon system  
11          under such contract to subcontractors.

12          (3) The term “covered lower-tier contractor”  
13          means the following:

14               (A) With respect to a covered contractor  
15               described by paragraph (2)(A) in a contract,  
16               any lower-tier subcontractor under such con-  
17               tract.

18               (B) With respect to a covered contractor  
19               described by paragraph (2)(B) in a contract,  
20               any lower-tier subcontractor on a weapon sys-  
21               tem under such contract for which such covered  
22               contractor has assigned work accounting for  
23               more than 90 percent of the cost of contract  
24               performance (not including overhead or profit).

1 (d) EFFECTIVE DATE.—The regulations prescribed  
2 under this section shall apply to contracts awarded for or  
3 on behalf of the Department of Defense on or after the  
4 date that is 120 days after the date of the enactment of  
5 this Act.

6 **SEC. 845. REPORT ON DEPARTMENT OF DEFENSE CON-**  
7 **TRACTING WITH CONTRACTORS OR SUB-**  
8 **CONTRACTORS EMPLOYING MEMBERS OF**  
9 **THE SELECTIVE RESERVE.**

10 (a) STUDY REQUIRED.—The Secretary of Defense  
11 shall conduct a study on contracting with the Department  
12 of Defense by actual and potential contractors and sub-  
13 contractors of the Department who employ members of  
14 the Selected Reserve of the reserve components of the  
15 Armed Forces.

16 (b) ELEMENTS.—The study required by subsection  
17 (a) shall address the following:

18 (1) The extent to which actual and potential  
19 contractors and subcontractors of the Department,  
20 including small businesses, employ members of the  
21 Selective Reserve.

22 (2) The extent to which actual and potential  
23 contractors and subcontractors of the Department  
24 have been or are likely to be disadvantaged in the  
25 performance of contracts with the Department, or in

1 competition for new contracts with the Department,  
2 when employees who are such members are mobi-  
3 lized as part of a United States military operation  
4 overseas.

5 (3) Any actions that, in the view of the Sec-  
6 retary, should be taken to address any such dis-  
7 advantage, including—

8 (A) the extension of additional time for the  
9 performance of contracts to contractors and  
10 subcontractors of Department who employ  
11 members of the Selected Reserve who are mobi-  
12 lized as part of a United States military oper-  
13 ation overseas; and

14 (B) the provision of assistance in forming  
15 contracting relationships with other entities to  
16 ameliorate the temporary loss of qualified per-  
17 sonnel.

18 (c) REPORT.—Not later than one year after the date  
19 of the enactment of this Act, the Secretary shall submit  
20 to Congress a report on the study required by this section.  
21 The report shall set forth the findings and recommenda-  
22 tions of the Secretary as a result of the study.

23 (d) REPEAL OF SUPERSEDED AUTHORITY.—Section  
24 819 of the National Defense Authorization Act for Fiscal

1 Year 2006 (Public Law 109–163; 119 Stat. 3385; 10  
2 U.S.C. 2305 note) is repealed.

3       **Subtitle D—Program Manager**  
4               **Matters**

5       **SEC. 861. PROGRAM MANAGER EMPOWERMENT AND AC-**  
6               **COUNTABILITY.**

7           (a) STRATEGY.—The Secretary of Defense shall de-  
8       velop a comprehensive strategy for enhancing the role of  
9       Department of Defense program managers in developing  
10      and carrying out defense acquisition programs.

11          (b) MATTERS TO BE ADDRESSED.—The strategy re-  
12      quired by this section shall address, at a minimum—

13            (1) enhanced training and educational opportu-  
14      nities for program managers;

15            (2) increased emphasis on the mentoring of cur-  
16      rent and future program managers by experienced  
17      senior executives and program managers within the  
18      Department;

19            (3) improved career paths and career opportu-  
20      nities for program managers;

21            (4) additional incentives for the recruitment  
22      and retention of highly qualified individuals to serve  
23      as program managers;

24            (5) improved resources and support (including  
25      systems engineering expertise, cost estimating exper-

1       tise, and software development expertise) for pro-  
2       gram managers;

3           (6) improved means of collecting and dissemi-  
4       nating best practices and lessons learned to enhance  
5       program management across the Department;

6           (7) common templates and tools to support im-  
7       proved data gathering and analysis for program  
8       management and oversight purposes;

9           (8) increased accountability of program man-  
10      agers for the results of defense acquisition pro-  
11      grams; and

12          (9) enhanced monetary and nonmonetary  
13      awards for successful accomplishment of program  
14      objectives by program managers.

15      (c) REPORT.—Not later than 180 days after the date  
16      of the enactment of this Act, the Secretary shall submit  
17      to the congressional defense committees a report on the  
18      strategy developed pursuant to this section.

19      **SEC. 862. TENURE AND ACCOUNTABILITY OF PROGRAM**  
20                           **MANAGERS FOR PROGRAM DEVELOPMENT**  
21                           **PERIODS.**

22      (a) REVISED GUIDANCE REQUIRED.—Not later than  
23      180 days after the date of the enactment of this Act, the  
24      Secretary of Defense shall revise Department of Defense  
25      guidance for defense acquisition programs to address the



1 tenure and accountability of program managers for the  
2 program development period of defense acquisition pro-  
3 grams.

4 (b) PROGRAM DEVELOPMENT PERIOD.—For the pur-  
5 pose of this section, the term “program development pe-  
6 riod” refers to the period before a decision on Milestone  
7 B approval (or Key Decision Point B approval in the case  
8 of a space program).

9 (c) RESPONSIBILITIES.—The revised guidance re-  
10 quired by subsection (a) shall provide that the program  
11 manager for the program development period of a defense  
12 acquisition program is responsible for—

13 (1) bringing to maturity the technologies and  
14 manufacturing processes that will be needed to carry  
15 out such program;

16 (2) ensuring continuing focus during program  
17 development on meeting stated mission requirements  
18 and other requirements of the Department of De-  
19 fense;

20 (3) making trade-offs between program cost,  
21 schedule and performance for the life-cycle of such  
22 program;

23 (4) developing a business case for such pro-  
24 gram; and

1           (5) ensuring that appropriate information is  
2           available to the milestone decision authority to make  
3           a decision on Milestone B approval (or Key Decision  
4           Point B approval in the case of a space program),  
5           including information necessary to make the certifi-  
6           cation required by section 2366a of title 10, United  
7           States Code.

8           (d) QUALIFICATIONS, RESOURCES, AND TENURE.—  
9           The Secretary shall ensure that each program manager  
10          for the program development period of a defense acqui-  
11          sition program—

12           (1) has the appropriate management, engineer-  
13           ing, technical, and financial expertise needed to meet  
14           the responsibilities assigned pursuant to subsection  
15           (c);

16           (2) is provided the resources and support (in-  
17           cluding systems engineering expertise, cost esti-  
18           mating expertise, and software development exper-  
19           tise) needed to meet such responsibilities; and

20           (3) is assigned to the program manager posi-  
21           tion for such program until such time as such pro-  
22           gram is ready for a decision on Milestone B approval  
23           (or Key Decision Point B approval in the case of a  
24           space program).

1 **SEC. 863. TENURE AND ACCOUNTABILITY OF PROGRAM**  
2 **MANAGERS FOR PROGRAM EXECUTION PERI-**  
3 **ODS.**

4 (a) REVISED GUIDANCE REQUIRED.—Not later than  
5 180 days after the date of the enactment of this Act, the  
6 Secretary of Defense shall revise Department of Defense  
7 guidance for defense acquisition programs to address the  
8 tenure and accountability of program managers for the  
9 program execution period of defense acquisition programs.

10 (b) PROGRAM EXECUTION PERIOD.—For the pur-  
11 pose of this section, the term “program execution period”  
12 refers to the period after Milestone B approval (or Key  
13 Decision Point B approval in the case of a space pro-  
14 gram).

15 (c) RESPONSIBILITIES.—The revised guidance re-  
16 quired by subsection (a) shall—

17 (1) require the program manager for the pro-  
18 gram execution period of a defense acquisition pro-  
19 gram to enter into a performance agreement with  
20 the milestone decision authority for such program  
21 within six months of assignment, that—

22 (A) establishes expected parameters for the  
23 cost, schedule, and performance of such pro-  
24 gram consistent with the business case for such  
25 program;

1 (B) provides the commitment of the mile-  
2 stone decision authority to provide the level  
3 funding and resources required to meet such  
4 parameters; and

5 (C) provides the assurance of the program  
6 manager that such parameters are achievable  
7 and that such program manager will be ac-  
8 countable for meeting such parameters; and

9 (2) provide the program manager with the au-  
10 thority to—

11 (A) veto the addition of new program re-  
12 quirements that would be inconsistent with the  
13 parameters established in the performance  
14 agreement entered pursuant to paragraph (1);

15 (B) make trade-offs between cost, schedule  
16 and performance, provided that such trade-offs  
17 are consistent with the parameters established  
18 in the performance agreement entered pursuant  
19 to paragraph (1);

20 (C) redirect funding within such program,  
21 to the extent necessary to achieve the param-  
22 eters established in the performance agreement  
23 entered pursuant to paragraph (1);

24 (D) develop such interim goals and mile-  
25 stones as may be required to achieve the pa-

1           rameters established in the performance agree-  
2           ment entered pursuant to paragraph (1); and

3           (E) use program funds to recruit and hire  
4           such technical experts as may be required to  
5           carry out such program, if necessary expertise  
6           is not otherwise provided by the Department of  
7           Defense.

8           (d) QUALIFICATIONS, RESOURCES, AND TENURE.—

9   The Secretary shall ensure that each program manager  
10 for the program execution period of a defense acquisition  
11 program—

12           (1) has the appropriate management, engineer-  
13           ing, technical, and financial expertise needed to meet  
14           the responsibilities assigned pursuant to subsection  
15           (c);

16           (2) is provided the resources and support (in-  
17           cluding systems engineering expertise, cost esti-  
18           mating expertise, and software development exper-  
19           tise) needed to meet such responsibilities; and

20           (3) is assigned to the program manager posi-  
21           tion for such program at the time of Milestone B ap-  
22           proval (or Key Decision Point B approval in the case  
23           of a space program) and continues in such position  
24           until the delivery of the first production units of  
25           such program.

1 (e) LIMITED WAIVER AUTHORITY.—The Secretary  
2 may waive the requirement in subsection (d)(3) that a pro-  
3 gram manager for the program execution period of a de-  
4 fense acquisition program serve in that position until the  
5 delivery of the first production units of such program upon  
6 submitting to the congressional defense committees a writ-  
7 ten determination that—

8 (1) such program is so complex, and the deliv-  
9 ery of the first production units will take so long,  
10 that it would not be feasible for a single individual  
11 to serve as program manager for the entire period  
12 covered by such subsection; and

13 (2) the complexity of such program, and length  
14 of time that will be required to deliver the first pro-  
15 duction units, are not the result of a failure to meet  
16 the certification requirements established in section  
17 2366a of title 10, United States Code.

18 **SEC. 864. INTERAGENCY PLAN FOR CONTINGENCY PRO-**  
19 **GRAM MANAGEMENT.**

20 (a) REQUIREMENT.—Not later than one year after  
21 the date of the enactment of this Act, the Secretary of  
22 Defense, in consultation with the Department of State and  
23 the heads of other appropriate agencies, shall develop an  
24 interagency plan for contingency program management  
25 during combat operations and post-conflict operations.

1 (b) MATTERS TO BE COVERED.—The interagency  
2 plan for contingency program management required by  
3 subsection (a) shall, at a minimum, provide for—

4 (1) the designation of a senior executive service  
5 official on the Joint Staff with the responsibility for  
6 administering the plan;

7 (2) the assignment of a senior commissioned of-  
8 ficer of the Armed Forces with appropriate program  
9 management experience and qualifications to act as  
10 head of contingency program management during  
11 combat operations, post-conflict operations, and con-  
12 tingency operations, who shall report directly to the  
13 commander of the combatant command in whose  
14 area of responsibility the operations occur;

15 (3) a preplanned organizational structure for  
16 contingency program management that is designed  
17 to ensure that the United States Government is pre-  
18 pared to conduct contingency program management  
19 during combat operations and post-conflict oper-  
20 ations, including advance planning for—

21 (A) unified, agile program management  
22 processes and procedures for an interagency  
23 and coalition environment;

24 (B) standardized joint contract mecha-  
25 nisms with clearly defined metrics;

1 (C) continuity of program and project  
2 management;

3 (D) identification of a deployable cadre of  
4 experts, trained in processes required under  
5 paragraph (4);

6 (E) required information technology re-  
7 sources and reliable, interoperable connections  
8 and communications; and

9 (F) coordination of program management  
10 operations with the activities of commanders in  
11 the field;

12 (4) a requirement for the development of a  
13 training program for contingency program manage-  
14 ment, including—

15 (A) comprehension of program manage-  
16 ment that focuses on cost, scope, schedule, suc-  
17 cess metrics, project oversight, and resource  
18 balancing;

19 (B) contracting options and rules;

20 (C) government procedures on funding, ac-  
21 countability and component and partner respon-  
22 sibilities; and

23 (D) effective communications and rules for  
24 coordination with commanders in the field; and



1           (5) a requirement for identification of hiring  
 2           and appointment authorities for rapid deployment of  
 3           personnel under this section to ensure the avail-  
 4           ability of key personnel for sufficient lengths of time  
 5           to provide for continuing of program and project  
 6           management.

7   **SEC. 865. COMPTROLLER GENERAL REPORT.**

8           Not later than February 1, 2007, the Comptroller  
 9   General of the United States shall submit to the congres-  
 10   sional defense committees a report on the actions taken  
 11   by the Secretary of Defense to comply with the require-  
 12   ments of this subtitle. The report shall include a descrip-  
 13   tion of such actions and an assessment by the Comptroller  
 14   General of the effectiveness of such actions in meeting  
 15   such requirements.

16           **Subtitle E—Other Matters**

17   **SEC. 871. CLARIFICATION OF AUTHORITY TO CARRY OUT**  
 18           **CERTAIN PROTOTYPE PROJECTS.**

19           Section 845(a) of the National Defense Authorization  
 20   Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amend-  
 21   ed—

22           (1) in paragraph (2)(A), by inserting “or, for a  
 23   defense agency, the director of the defense agency”  
 24   after “(41 U.S.C. 414(c))”; and

1           (2) in paragraph (3), by striking “or director of  
2       a defense agency” after “executive”.

3 **SEC. 872. ONE-YEAR EXTENSION OF SPECIAL TEMPORARY**  
4 **CONTRACT CLOSEOUT AUTHORITY.**

5       Section 804(d) of the National Defense Authorization  
6 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
7 1542) is amended by striking “September 30, 2006” and  
8 inserting “September 30, 2007”.

9 **SEC. 873. ONE-YEAR EXTENSION OF INAPPLICABILITY OF**  
10 **CERTAIN LAWS TO CONTRACTING WITH EM-**  
11 **PLOYERS OF PERSONS WITH DISABILITIES.**

12       Subsections (a)(2)(A) and (b)(2)(A) of the Ronald W.  
13 Reagan National Defense Authorization Act for Fiscal  
14 Year 2005 (Public Law 108–375; 118 Stat. 2021), as  
15 amended by section 848(a) of the National Defense Au-  
16 thorization Act for Fiscal Year 2006 (Public Law 109–  
17 163; 119 Stat. 3395), are each further amended by strik-  
18 ing “2006” and inserting “2007”.

1 **TITLE IX—DEPARTMENT OF DE-**  
2 **FENSE ORGANIZATION AND**  
3 **MANAGEMENT**

4 **Subtitle A—Duties and Functions**  
5 **of Department of Defense Offi-**  
6 **cers and Organizations**

7 **SEC. 901. UNITED STATES MILITARY CANCER INSTITUTE.**

8 (a) ESTABLISHMENT.—Chapter 104 of title 10,  
9 United States Code, is amended by adding at the end the  
10 following new section:

11 **“§ 2117. United States Military Cancer Institute**

12 “(a) ESTABLISHMENT.—The Secretary of Defense  
13 shall establish in the University the United States Military  
14 Cancer Institute. The Institute shall be established pursu-  
15 ant to regulations prescribed by the Secretary.

16 “(b) PURPOSES.—The purposes of the Institute are  
17 as follows:

18 “(1) To establish and maintain a clearinghouse  
19 of data on the incidence and prevalence of cancer  
20 among members and former members of the armed  
21 forces.

22 “(2) To conduct research that contributes to  
23 the detection or treatment of cancer among the  
24 members and former members of the armed forces.

1       “(c) HEAD OF INSTITUTE.—The Director of the  
2 United States Military Cancer Institute is the head of the  
3 Institute. The Director shall report to the President of the  
4 University regarding matters relating to the Institute.

5       “(d) ELEMENTS.—(1) The Institute is composed of  
6 clinical and basic scientists in the Department of Defense  
7 who have an expertise in research, patient care, and edu-  
8 cation relating to oncology and who meet applicable cri-  
9 teria for affiliation with the Institute.

10       “(2) The components of the Institute include military  
11 treatment and research facilities that meet applicable cri-  
12 teria and are designated as affiliates of the Institute.

13       “(e) RESEARCH.—(1) The Director of the United  
14 States Military Cancer Institute shall carry out research  
15 studies on the following:

16               “(A) The epidemiological features of cancer, in-  
17 cluding assessments of the carcinogenic effect of ge-  
18 netic and environmental factors, and of disparities in  
19 health, inherent or common among populations of  
20 various ethnic origins within the members of the  
21 armed forces.

22               “(B) The prevention and early detection of can-  
23 cer among members and former members of the  
24 armed forces.

1           “(C) Basic, translational, and clinical investiga-  
2           tion matters relating to the matters described in  
3           subparagraphs (A) and (B).

4           “(2) The research studies under paragraph (1) shall  
5           include complementary research on oncologic nursing.

6           “(f) COLLABORATIVE RESEARCH.—The Director of  
7           the United States Military Cancer Institute shall carry out  
8           the research studies under subsection (e) in collaboration  
9           with other cancer research organizations and entities se-  
10          lected by the Institute for purposes of the research studies.

11          “(g) ANNUAL REPORT.—(1) Not later than Novem-  
12          ber 1 each year, the Director of the United States Military  
13          Cancer Institute shall submit to the President of the Uni-  
14          versity a report on the current status of the research stud-  
15          ies being carried out by the Institute under subsection (e).

16          “(2) Not later than 60 days after receiving a report  
17          under paragraph (1), the President of the University shall  
18          transmit such report to the Secretary of Defense and to  
19          Congress.”.

20          (b) CLERICAL AMENDMENT.—The table of sections  
21          at the beginning of chapter 104 of such title is amended  
22          by adding at the end the following new item:

“2117. United States Military Cancer Institute.”.

1 **SEC. 902. SENIOR ACQUISITION EXECUTIVE FOR SPECIAL**  
 2 **OPERATIONS WITHIN STAFF OF THE ASSIST-**  
 3 **ANT SECRETARY OF DEFENSE FOR SPECIAL**  
 4 **OPERATIONS AND LOW INTENSITY CONFLICT.**

5 (a) INCLUSION WITHIN STAFF.—The staff of the As-  
 6 sistant Secretary of Defense for Special Operations and  
 7 Low Intensity Conflict under section 138(b)(4) of title 10,  
 8 United States Code, shall include a senior acquisition ex-  
 9 ecutive for special operations.

10 (b) DUTIES.—The senior acquisition executive within  
 11 the staff of the Assistant Secretary of Defense for Special  
 12 Operations and Low Intensity Conflict under subsection  
 13 (a) shall conduct policy and management oversight of the  
 14 acquisition activities of the Special Operations Command  
 15 under section 167 of title 10, United States Code, and  
 16 shall have such other duties as the Assistant Secretary  
 17 shall designate.

18 **Subtitle B—Space Activities**

19 **SEC. 911. ESTABLISHMENT OF OPERATIONALLY RESPON-**  
 20 **SIVE SPACE CAPABILITIES.**

21 (a) FINDINGS.—Congress makes the following find-  
 22 ings:

23 (1) Access to and use of space is critical for  
 24 preserving peace and protecting the national secu-  
 25 rity, commercial, and civil interests of the United  
 26 States.

1           (2) Key priorities for the national security  
2       space activities of the United States include improv-  
3       ing the capacity to support military operations  
4       worldwide and responding to strategic military  
5       threats.

6           (3) To the maximum extent possible, space ca-  
7       pabilities should be integrated into the strategy, doc-  
8       trine, operations, and contingency plans of the  
9       Armed Forces of the United States.

10          (4) The commanders of the combatant com-  
11       mands should have access to responsive space capa-  
12       bilities that provide prompt, focused support in their  
13       theater of operations, which capabilities should com-  
14       pliment other national and Department of Defense  
15       space assets while providing direct and flexible sup-  
16       port to the warfighter on the battlefield.

17          (5) The United States Space Transportation  
18       Policy of January 6, 2005, calls for the demonstra-  
19       tion, before 2010, of an initial capability for oper-  
20       ationally responsive access to and use of space to  
21       support the national security requirements of the  
22       United States.

23       (b) POLICY.—It is the policy of the United States—

(1) to demonstrate, acquire, and deploy an effective capability for operationally responsive space to support the warfighter from space; and

(2) that the capability described in paragraph (1) shall consist of—

(A) responsive satellite payloads;

(B) inexpensive space launch vehicles and range procedures that facilitate the timely launch of satellites;

(C) common technical standards for satellite busses; and

(D) a configuration of operations and command and control capabilities that permit the warfighter to exploit responsive space assets for combat operations.

(c) OPERATIONALLY RESPONSIVE SPACE HYBRID PROGRAM OFFICE.—

(1) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense an office to be known as the Operationally Responsive Space Hybrid Program Office (in this subsection referred to as the “Office”).

(2) ELEMENTS.—The Office shall consist of elements of the Department of Defense selected by the Secretary from among the science and technology,



1 acquisition, and operations elements of the Depart-  
2 ment having the capacity to contribute to the devel-  
3 opment of capabilities for operationally responsive  
4 space. Such elements shall be selected so as to  
5 achieve a balanced representation of the military de-  
6 partments in the Office in order to ensure proper ac-  
7 knowledgment of joint considerations in the activi-  
8 ties of the Office.

9 (3) ORGANIZATION OF ELEMENTS.—The ele-  
10 ments of the Office under paragraph (2) shall be or-  
11 ganized by the Secretary into divisions as follows:

12 (A) A science and technology division that  
13 shall pursue innovative approaches to the devel-  
14 opment of capabilities for operationally respon-  
15 sive space through basic and applied research  
16 focused on payloads, bus, and launch equip-  
17 ment.

18 (B) An acquisition division that shall un-  
19 dertake the acquisition of systems necessary to  
20 procure, integrate, sustain, and launch assets  
21 for operationally responsive space.

22 (C) An operations division that shall—

23 (i) sustain and maintain assets for  
24 operationally responsive space prior to  
25 launch;

1 (ii) integrate and launch such assets;

2 and

3 (iii) operate such assets in orbit.

4 (D) A combatant command support divi-  
5 sion that shall serve as the primary inter-  
6 mediary between the military departments and  
7 the combatant commands on operationally re-  
8 sponsive space, including the integration of as-  
9 sets for operationally responsive space into—

10 (i) the operations plans of the combat-  
11 ant commands;

12 (ii) the training and tactics proce-  
13 dures of the military departments; and

14 (iii) military exercises, demonstra-  
15 tions, and war games.

16 (3) ACCOUNTABILITY.—The head of the Office  
17 shall report to the Executive Agent for Space of the  
18 Department of Defense regarding the activities of  
19 Office under this subsection.

20 (4) ACQUISITION AUTHORITY.—The acquisition  
21 activities of the Office shall be subject to the fol-  
22 lowing:

23 (A) The Executive Agent for Space of the  
24 Department of Defense shall be the senior ac-  
25 quisition executive of the Office.

1 (B) The Joint Capabilities Integration and  
2 Development System process shall not apply to  
3 acquisitions by the Office.

4 (C) The commander of the United States  
5 Strategic Command, or a designate of the com-  
6 mander, shall—

7 (i) validate all system requirements  
8 for systems to be acquired by the Office;  
9 and

10 (ii) participate in the approval of any  
11 acquisition program initiated by the Office.

12 (D) The unit procurement cost of a launch  
13 vehicle procured by the Office may not exceed  
14 \$20,000,000.

15 (E) The unit procurement cost of an inte-  
16 grated satellite procured by the Office may not  
17 exceed \$40,000,000.

18 (5) ADJUSTMENT OF UNIT PROCUREMENT COST  
19 LIMITS.—The Executive Agent for Space shall ad-  
20 just the amounts specified in subparagraphs (D) and  
21 (E) of paragraph (4) to take into account the effects  
22 of inflation. Such adjustment shall take place once  
23 every five years.

24 (d) PLAN FOR OPERATIONALLY RESPONSIVE  
25 SPACE.—

1           (1) PLAN REQUIRED.—Not later than 180 days  
2           after the date of the enactment of this Act, the Sec-  
3           retary of Defense shall submit to the congressional  
4           defense committees a report setting forth a plan for  
5           the acquisition by the Department of Defense of ca-  
6           pabilities for operationally responsive space to sup-  
7           port the warfighter.

8           (2) ELEMENTS.—The plan required by para-  
9           graph (1) shall include the following:

10           (A) An identification of the roles and mis-  
11           sions of each military department, Defense  
12           Agency, and other component or element of the  
13           Department of Defense for the fulfillment of  
14           the mission of the Department with respect to  
15           operationally responsive space.

16           (B) An identification of the capabilities re-  
17           quired by the Department to fulfill such mis-  
18           sion.

19           (C) A description of the chain of command  
20           and reporting structure of the Operationally  
21           Responsive Space Hybrid Program Office under  
22           subsection (c).

23           (D) The security classification level re-  
24           quired for the Office in order to ensure that the

1 Office carries out its responsibilities under sub-  
2 section (c) in a proper and efficient manner.

3 (E) A description of the acquisition policies  
4 and procedures applicable to the Office, includ-  
5 ing a description of any legislative or adminis-  
6 trative action necessary to provide the Office  
7 additional acquisition authority to carry out its  
8 responsibilities.

9 (F) A schedule for the implementation of  
10 the plan.

11 (G) The funding and personnel required to  
12 implement the plan over the course of the cur-  
13 rent future-years defense program under section  
14 221 of title 10, United States Code.

15 (e) DEFINITIONS.—In this section:

16 (1) The term “operationally responsive space”  
17 means the development and launch of space assets  
18 upon demand in a low-cost manner.

19 (2) The term “procurement unit cost” has the  
20 meaning given that term in section 2432(a) of title  
21 10, United States Code.

1 **SEC. 912. EXTENSION OF AUTHORITY FOR PILOT PROGRAM**  
2 **ON PROVISION OF SPACE SURVEILLANCE**  
3 **NETWORK SERVICES TO NON-UNITED STATES**  
4 **GOVERNMENT ENTITIES.**

5 Section 2274(i) of title 10, United States Code, is  
6 amended by striking “shall be conducted during the three-  
7 year period beginning on a date specified by the Secretary  
8 of Defense, which date shall be not later than 180 days  
9 after the date of the enactment of this section” and insert-  
10 ing “may be conducted through September 30, 2009”.

11 **Subtitle C—Other Matters**

12 **SEC. 921. DEPARTMENT OF DEFENSE POLICY ON UN-**  
13 **MANNED SYSTEMS.**

14 (a) **POLICY REQUIRED.**—The Secretary of Defense  
15 shall, in consultation with the Chairman of the Joint  
16 Chiefs of Staff, develop a policy applicable throughout the  
17 Department of Defense on research, development, test,  
18 and evaluation, procurement, and operation of unmanned  
19 systems.

20 (b) **ELEMENTS.**—The policy required by subsection  
21 (a) shall include the following:

22 (1) Mission requirements (including mission re-  
23 quirements for the military departments and joint  
24 mission requirements) for unmanned systems to re-  
25 place manned systems in the performance of routine  
26 or dangerous missions.

1           (2) A strategy and schedules for the replace-  
2           ment of manned systems with unmanned systems in  
3           the performance of such missions.

4           (3) Preference for joint unmanned systems in  
5           acquisition programs for new systems, including a  
6           requirement under any such program for the devel-  
7           opment of a manned system for a certification that  
8           an unmanned system is incapable of meeting pro-  
9           gram requirements.

10          (4) Joint development and procurement of un-  
11          manned systems and components.

12          (5) A strategy for the divestment of the mili-  
13          tary department unmanned systems unique to a par-  
14          ticular department with a preference for joint un-  
15          manned systems.

16          (6) Programs to address technical, operational,  
17          and production challenges, and gaps in capabilities,  
18          with respect to unmanned systems.

19          (7) An organizational structure for effective  
20          management, coordination, and budgeting for the  
21          development and procurement of unmanned systems,  
22          including an assessment of the feasibility and advis-  
23          ability of designating a single department or other  
24          element of the Department of Defense to act as ex-

1        executive agent for the Department on unmanned sys-  
2        tems.

3            (8) Requirements for the integration of un-  
4        manned and manned missions.

5            (9) Requirements in order to satisfy the goals  
6        for unmanned air and ground systems established in  
7        section 220 of the Floyd D. Spence National De-  
8        fense Authorization Act for Fiscal Year 2001 (as en-  
9        acted into law by Public Law 106–398; 114 Stat.  
10       1654A–38).

11        (c) REPORT.—Not later than 120 days after the date  
12       of the enactment of this Act, the Secretary shall submit  
13       to the congressional defense committees a report setting  
14       forth the policy required by subsection (a).

15       **SEC. 922. EXECUTIVE SCHEDULE LEVEL IV FOR DEPUTY**  
16                                **UNDER SECRETARY OF DEFENSE FOR LOGIS-**  
17                                **TICS AND MATERIEL READINESS.**

18        (a) EXECUTIVE SCHEDULE LEVEL IV.—Section  
19       5315 of title 5, United States Code, is amended by insert-  
20       ing after the item relating to the Deputy Under Secretary  
21       of Defense for Personnel and Readiness the following new  
22       item:

23            “Deputy Under Secretary of Defense for Logis-  
24       tics and Materiel Readiness.”.



1 (b) CONFORMING AMENDMENT.—Section 5314 of  
 2 title 5, United States Code, is amended by striking the  
 3 item relating to the Deputy Under Secretary of Defense  
 4 for Logistics and Materiel Readiness.

5 (c) EFFECTIVE DATE.—The amendments made by  
 6 this section shall take effect on the date of the enactment  
 7 of this Act, and shall apply with respect to individuals ap-  
 8 pointed as Deputy Under Secretary of Defense for Logis-  
 9 tics and Materiel Readiness on or after that date.

10 **SEC. 923. THREE-YEAR EXTENSION OF JOINT INCENTIVES**  
 11 **PROGRAM ON SHARING OF HEALTH CARE RE-**  
 12 **SOURCES BY THE DEPARTMENT OF DEFENSE**  
 13 **AND DEPARTMENT OF VETERANS AFFAIRS.**

14 Section 8111(d)(4) of title 38, United States Code,  
 15 is amended by striking “September 30, 2007” and insert-  
 16 ing “September 30, 2010”.

17 **TITLE X—GENERAL PROVISIONS**  
 18 **Subtitle A—Financial Matters**

19 **SEC. 1001. TRANSFER AUTHORITY.**

20 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

21 (1) AUTHORITY.—Upon determination by the  
 22 Secretary of Defense that such action is necessary in  
 23 the national interest, the Secretary may transfer  
 24 amounts of authorizations made available to the De-  
 25 partment of Defense in this division for fiscal year

1       2007 between any such authorizations for that fiscal  
2       year (or any subdivisions thereof). Amounts of au-  
3       thorizations so transferred shall be merged with and  
4       be available for the same purposes as the authoriza-  
5       tion to which transferred.

6           (2)   AGGREGATE   LIMITATION.—The   total  
7       amount of authorizations that the Secretary may  
8       transfer under the authority of this section may not  
9       exceed \$4,000,000,000.

10       (b) LIMITATIONS.—The authority provided by this  
11      section to transfer authorizations—

12           (1) may only be used to provide authority for  
13       items that have a higher priority than the items  
14       from which authority is transferred; and

15           (2) may not be used to provide authority for an  
16       item that has been denied authorization by Con-  
17       gress.

18       (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
19       transfer made from one account to another under the au-  
20       thority of this section shall be deemed to increase the  
21       amount authorized for the account to which the amount  
22       is transferred by an amount equal to the amount trans-  
23       ferred.

1 (d) NOTICE TO CONGRESS.—The Secretary shall  
2 promptly notify Congress of each transfer made under  
3 subsection (a).

4 **SEC. 1002. AUTHORIZATION OF SUPPLEMENTAL APPRO-**  
5 **PRIATIONS FOR FISCAL YEAR 2006.**

6 Amounts authorized to be appropriated to the De-  
7 partment of Defense and the Department of Energy for  
8 fiscal year 2006 in the National Defense Authorization  
9 Act for Fiscal Year 2006 (Public Law 109–163) are here-  
10 by adjusted, with respect to any such authorized amount,  
11 by the amount by which appropriations pursuant to such  
12 authorization are increased (by a supplemental appropria-  
13 tion) or decreased (by a rescission), or both, or are in-  
14 creased by a transfer of funds, pursuant to an Act appro-  
15 priating emergency supplemental appropriations for fiscal  
16 year 2006.

17 **SEC. 1003. REDUCTION IN CERTAIN AUTHORIZATIONS DUE**  
18 **TO SAVINGS RELATING TO LOWER INFLA-**  
19 **TION.**

20 (a) REDUCTION.—The aggregate amount authorized  
21 to be appropriated by titles I, II, and III is the amount  
22 equal to the sum of all the amounts authorized to be ap-  
23 propriated by such titles reduced by \$951,469,000.

24 (b) SOURCE OF SAVINGS.—Reductions required in  
25 order to comply with subsection (a) shall be derived from

1 savings resulting from lower-than-expected inflation as a  
 2 result of a review of the inflation assumptions used in the  
 3 preparation of the budget of the President for fiscal year  
 4 2007, as submitted to Congress pursuant to section 1005  
 5 of title 31, United States Code.

6 (c) ALLOCATION OF REDUCTION.—The Secretary of  
 7 Defense shall allocate the reduction required by subsection  
 8 (a) among the amounts authorized to be appropriated for  
 9 accounts in titles I, II, and III to reflect the extent to  
 10 which net savings from lower-than-expected inflation are  
 11 allocable to amounts authorized to be appropriated to such  
 12 accounts.

13 **SEC. 1004. INCREASE IN FISCAL YEAR 2006 GENERAL**  
 14 **TRANSFER AUTHORITY.**

15 Section 1001(a)(2) of the National Defense Author-  
 16 ization Act for Fiscal Year 2006 (Public Law 109–163;  
 17 119 Stat. 3418) is amended by striking “\$3,500,000,000”  
 18 and inserting “\$3,750,000,000”.

19 **SEC. 1005. UNITED STATES CONTRIBUTION TO NATO COM-**  
 20 **MON-FUNDED BUDGETS IN FISCAL YEAR 2007.**

21 (a) FISCAL YEAR 2007 LIMITATION.—The total  
 22 amount contributed by the Secretary of Defense in fiscal  
 23 year 2007 for the common-funded budgets of NATO may  
 24 be any amount up to, but not in excess of, the amount  
 25 specified in subsection (b) (rather than the maximum

1 amount that would otherwise be applicable to those con-  
2 tributions under the fiscal year 1998 baseline limitation).

3 (b) TOTAL AMOUNT.—The amount of the limitation  
4 applicable under subsection (a) is the sum of the following:

5 (1) The amounts of unexpended balances, as of  
6 the end of fiscal year 2006, of funds appropriated  
7 for fiscal years before fiscal year 2007 for payments  
8 for those budgets.

9 (2) The amount specified in subsection (c)(1).

10 (3) The amount specified in subsection (c)(2).

11 (4) The total amount of the contributions au-  
12 thorized to be made under section 2501.

13 (c) AUTHORIZED AMOUNTS.—Amounts authorized to  
14 be appropriated by titles II and III of this Act are avail-  
15 able for contributions for the common-funded budgets of  
16 NATO as follows:

17 (1) Of the amount provided in section 201(1),  
18 \$797,000 for the Civil Budget.

19 (2) Of the amount provided in section 301(1),  
20 \$310,277,000 for the Military Budget.

21 (d) DEFINITIONS.—For purposes of this section:

22 (1) COMMON-FUNDED BUDGETS OF NATO.—  
23 The term “common-funded budgets of NATO”  
24 means the Military Budget, the Security Investment  
25 Program, and the Civil Budget of the North Atlantic

1 Treaty Organization (and any successor or addi-  
 2 tional account or program of NATO).

3 (2) FISCAL YEAR 1998 BASELINE LIMITATION.—

4 The term “fiscal year 1998 baseline limitation”  
 5 means the maximum annual amount of Department  
 6 of Defense contributions for common-funded budgets  
 7 of NATO that is set forth as the annual limitation  
 8 in section 3(2)(C)(ii) of the resolution of the Senate  
 9 giving the advice and consent of the Senate to the  
 10 ratification of the Protocols to the North Atlantic  
 11 Treaty of 1949 on the Accession of Poland, Hun-  
 12 gary, and the Czech Republic (as defined in section  
 13 4(7) of that resolution), approved by the Senate on  
 14 April 30, 1998.

15 **SEC. 1006. MODIFICATION OF DATE OF SUBMITTAL OF OMB/**

16 **CBO REPORT ON SCORING OF OUTLAYS.**

17 Section 226(a) of title 10, United States Code, is  
 18 amended by striking “January 15 of each year” and in-  
 19 serting “April 1 of each year”.

20 **SEC. 1007. PROHIBITION ON PARKING OF FUNDS.**

21 (a) PROHIBITION.—

22 (1) IN GENERAL.—Chapter 165 of title 10,  
 23 United States Code, is amended by inserting after  
 24 section 2773a the following new section:

1 **“§ 2773b. Parking of funds: prohibition; penalties**

2       “(a) PROHIBITION.—An officer or employee of the  
3 Department of Defense may not direct the designation of  
4 funds for a particular purpose in the budget of the Presi-  
5 dent, as submitted to Congress pursuant to section 1105  
6 of title 31, or the supporting documents of the Depart-  
7 ment of Defense component of such budget, with the  
8 knowledge or intent that such funds, if made available to  
9 the Department, will not be used for the purpose for which  
10 they are designated.

11       “(b) PENALTIES.—The direction of the designation  
12 of funds in violation of the prohibition in subsection (a)  
13 shall be treated for purposes of chapter 13 of title 31 as  
14 a violation of section 1341(a)(1)(A) of title 31.”.

15               (2) CLERICAL AMENDMENT.—The table of sec-  
16 tions at the beginning of chapter 165 of such title  
17 is amended by inserting after the item relating to  
18 section 2773a the following new item:

“2773b. Parking of funds: prohibition; penalties.”.

19       (b) EFFECTIVE DATE.—

20               (1) IN GENERAL.—The amendments made by  
21 subsection (a) shall take effect on the date that is  
22 31 days after the date of the enactment of this Act.

23               (2) MODIFICATION OF CERTAIN POLICIES AND  
24 REGULATIONS.—Not later than 30 days after the  
25 date of the enactment of this Act, the Secretary of

1 Defense shall modify the policies and regulations of  
2 the Department of Defense regarding the prepara-  
3 tion and submittal to Congress of budget materials  
4 for the Department of Defense to take into account  
5 the provisions of section 2773b of title 10, United  
6 States Code (as added by subsection (a)).

7 **Subtitle B—Naval Vessels**

8 **SEC. 1011. REPEAL OF REQUIREMENT FOR 12 OPER-**  
9 **ATIONAL AIRCRAFT CARRIERS WITHIN THE**  
10 **NAVY.**

11 Section 5062 of title 10, United States Code, is  
12 amended—

13 (1) by striking subsection (b); and

14 (2) by redesignating subsections (c) and (d) as  
15 subsections (b) and (c), respectively.

16 **SEC. 1012. APPROVAL OF TRANSFER OF NAVAL VESSELS TO**  
17 **FOREIGN NATIONS BY VESSEL CLASS.**

18 Section 7307(a) of title 10, United States Code, is  
19 amended by inserting “or vessel of that class” after “that  
20 vessel”.



## 1     **Subtitle C—Counterdrug Matters**

### 2     **SEC. 1021. EXTENSION OF AVAILABILITY OF FUNDS FOR** 3                   **UNIFIED               COUNTERDRUG               AND** 4                   **COUNTERTERRORISM CAMPAIGN IN COLOM-** 5                   **BIA.**

6           Section 1021 of the Ronald W. Reagan National De-  
 7     fense Authorization Act for Fiscal Year 2005 (Public Law  
 8     108–375; 118 Stat. 2042) is amended—

9                   (1) in subsection (a)(1), by striking “2005 and  
 10           2006” and inserting “2005 through 2008”; and

11                   (2) in subsection (c), by striking “2005 and  
 12           2006” and inserting “2005 through 2008”.

### 13   **SEC. 1022. EXTENSION OF AUTHORITY OF DEPARTMENT OF** 14                   **DEFENSE TO PROVIDE ADDITIONAL SUPPORT** 15                   **FOR COUNTERDRUG ACTIVITIES OF OTHER** 16                   **GOVERNMENTAL AGENCIES.**

17           Section 1004(a) of the National Defense Authoriza-  
 18     tion Act for Fiscal Year 1991 (10 U.S.C. 374 note) is  
 19     amended by striking “through 2006” and inserting  
 20     “through 2011”.

### 21   **SEC. 1023. EXTENSION AND EXPANSION OF CERTAIN AU-** 22                   **THORITIES TO PROVIDE ADDITIONAL SUP-** 23                   **PORT FOR COUNTERDRUG ACTIVITIES.**

24           (a) CONCURRENCE OF SECRETARY OF STATE IN  
 25     PROVISION OF SUPPORT.—Paragraph (1) of subsection

1 (a) of section 1033 of the National Defense Authorization  
 2 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.  
 3 1881), as amended by section 1021 of the National De-  
 4 fense Authorization Act for Fiscal Year 2004 (Public Law  
 5 108–136; 117 Stat. 1593), is further amended by striking  
 6 “shall consult with” and inserting “shall seek the concur-  
 7 rence of”.

8 (b) EXTENSION OF AUTHORITY.—Paragraph (2) of  
 9 such subsection is amended by striking “September 30,  
 10 2006” and inserting “September 30, 2008”.

11 (c) ADDITIONAL GOVERNMENTS ELIGIBLE TO RE-  
 12 CEIVE SUPPORT.—Subsection (b) of such section 1033, as  
 13 so amended, is further amended by adding at the end the  
 14 following new paragraphs:

15 “(10) The Government of Azerbaijan.

16 “(11) The Government of Kazakhstan.

17 “(12) The Government of Kyrgyzstan.

18 “(13) The Government of Armenia.

19 “(14) The Government of Niger.

20 “(15) The Government of Mauritania.

21 “(16) The Government of Mali.

22 “(17) The Government of Chad.

23 “(18) The Government of Indonesia.

24 “(19) The Government of Philippines.

25 “(20) The Government of Thailand.

1           “(21) The Government of Malaysia.

2           “(22) The Government of Guatemala.

3           “(23) The Government of Belize.

4           “(24) The Government of Panama.”.

5           (d) TYPES OF SUPPORT.—Subsection (c)(2) of such  
6 section 1033, as so amended, is further amended by in-  
7 serting “, vehicles, and aircraft, and detection, intercep-  
8 tion, monitoring, and testing equipment” after “patrol  
9 boats”.

10          (e) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Sub-  
11 section (e)(2) of such section 1033, as so amended, is fur-  
12 ther amended—

13           (1) by striking “or \$40,000,000” and inserting  
14           “\$40,000,000”; and

15           (2) by inserting before the period at the end the  
16           following: “, or \$80,000,000 during any of the fiscal  
17           years 2007 through 2008”.

18          (f) ANNUAL REPORT ON SUPPORT PROVIDED TO AD-  
19 DITIONAL GOVERNMENTS.—Such section 1033 is further  
20 amended by adding at the end the following new sub-  
21 section:

22           “(i) ANNUAL REPORT ON SUPPORT PROVIDED TO  
23 CERTAIN GOVERNMENTS.—Not later than November 30  
24 each year through 2008, the Secretary of Defense shall  
25 submit to the congressional defense committees a com-

1 prehensive report on the support provided under this sec-  
 2 tion during the preceding fiscal year to each government  
 3 referred to in paragraphs (10) through (24) of subsection  
 4 (b).”.

## 5     **Subtitle D—Defense Intelligence** 6                   **and Related Matters**

### 7     **SEC. 1031. TWO-YEAR EXTENSION OF AUTHORITY TO EN-** 8                   **GAGE IN COMMERCIAL ACTIVITIES AS SECU-** 9                   **RITY FOR INTELLIGENCE COLLECTION AC-** 10                  **TIVITIES.**

11         Section 431(a) of title 10, United States Code, is  
 12 amended by striking “December 31, 2006” and inserting  
 13 “December 31, 2008”.

### 14    **SEC. 1032. ANNUAL REPORT ON INTELLIGENCE OVERSIGHT** 15                  **ACTIVITIES OF THE DEPARTMENT OF DE-** 16                  **FENSE.**

17         (a) ANNUAL REPORT REQUIRED.—Not later than  
 18 March 1, 2007, and annually thereafter, the Secretary of  
 19 Defense shall submit to the congressional defense commit-  
 20 tees and the congressional intelligence committees a report  
 21 on the intelligence oversight activities of the Department  
 22 of Defense during the previous calendar year.

23         (b) ELEMENTS.—Each report under subsection (a)  
 24 shall include, for the calendar year covered by such report,  
 25 the following:

1           (1) A description of any questionable intel-  
 2           ligence activity that came to the attention of any  
 3           General Counsel or Inspector General within the De-  
 4           partment of Defense, or the Under Secretary of De-  
 5           fense for Intelligence, and a description of the ac-  
 6           tions taken by such official with respect to such ac-  
 7           tivity.

8           (2) A description of the results of intelligence  
 9           oversight inspections undertaken by each of the fol-  
 10          lowing:

11                   (A) The Office of the Secretary of Defense.

12                   (B) Each military department.

13                   (C) Each combat support agency.

14                   (D) Each field operating agency.

15          (3) A description of any changes made in—

16                   (A) any program for the intelligence over-  
 17           sight activities of the Department of Defense,  
 18           including any training program; or

19                   (B) any published directive or policy  
 20           memoranda on the intelligence or intelligence-  
 21           related activities of—

22                           (i) any military department;

23                           (ii) any combat support agency; or

24                           (iii) any field operating agency.

25          (c) DEFINITIONS.—In this section:

1           (1) The term “combat support agency” has the  
2 meaning given that term in section 193(f) of title  
3 10, United States Code.

4           (2) The term “congressional intelligence com-  
5 mittees” has the meaning given that term in section  
6 3(7) of the National Security Act of 1947 (50  
7 U.S.C. 401a(7)).

8           (3) The term “field operating agency” means a  
9 specialized subdivision of the Department of Defense  
10 that carries out activities under the operational con-  
11 trol of the Department.

12           (4) The term “intelligence oversight activities of  
13 the Department of Defense” refers to any activity  
14 undertaken by an agency, element, or component of  
15 the Department of Defense to ensure compliance  
16 with regard to requirements or instructions on the  
17 intelligence and intelligence-related activities of the  
18 Department under law or any Executive order or  
19 Presidential directive (including Executive Order No.  
20 12333).

21           (5) The term “questionable intelligence activ-  
22 ity” means an intelligence or intelligence-related ac-  
23 tivity of the Department of Defense that may violate  
24 the law or any Executive order or Presidential direc-  
25 tive (including Executive Order No. 12333).

1 **SEC. 1033. ADMINISTRATION OF PILOT PROJECT ON CIVIL-**  
2 **IAN LINGUIST RESERVE CORPS.**

3 (a) TRANSFER OF ADMINISTRATION TO SECRETARY  
4 OF DEFENSE.—

5 (1) IN GENERAL.—Administration of the pilot  
6 project on the establishment of a Civilian Linguist  
7 Reserve Corps required by section 613 of the Intel-  
8 ligence Authorization Act for Fiscal Year 2005  
9 (Public Law 108–487; 118 Stat. 3959; 50 U.S.C.  
10 403–1b note) is hereby transferred from the Direc-  
11 tor of National Intelligence to the Secretary of De-  
12 fense.

13 (2) CONFORMING AMENDMENTS.—Section 613  
14 of the Intelligence Authorization Act for Fiscal Year  
15 2005 is amended—

16 (A) by striking “Director of National Intel-  
17 ligence” each place it appears and inserting  
18 “Secretary of Defense”; and

19 (B) by striking “Director” each place it  
20 appears and inserting “Secretary”.

21 (b) DISCHARGE OF PROJECT.—Subsection (a) of  
22 such section is further amended by adding at the end the  
23 following new sentence: “The Secretary shall carry out the  
24 pilot project through the National Security Education  
25 Program.”.

1 (c) REPEAL OF SPECIFICATION OF DURATION OF  
2 PROJECT.—Such section is further amended—

3 (1) by striking subsection (c); and

4 (2) by redesignating subsections (d) and (e) as  
5 subsections (c) and (d), respectively.

6 (d) MODIFICATION OF REPORT REQUIREMENTS.—

7 Subsection (d) of such section, as redesignated by sub-  
8 section (b) of this section, is further amended—

9 (1) in paragraph (1), by striking “an initial and  
10 a final report” and inserting “a report”;

11 (2) in paragraph (2), by striking “Each report”  
12 and inserting “The report”; and

13 (3) in paragraph (3), by striking “final report”  
14 and inserting “report required under paragraph  
15 (1)”.

16 (e) REPEAL OF SUPERSEDED AUTHORIZATION.—

17 Such section is further amended by striking subsection (f).

18 **SEC. 1034. IMPROVEMENT OF AUTHORITIES ON THE NA-**

19 **TIONAL SECURITY EDUCATION PROGRAM.**

20 (a) EXPANSION OF EMPLOYMENT CREDITABLE

21 UNDER SERVICE AGREEMENTS.—Paragraph (2) of sub-

22 section (b) of section 802 of the David L. Boren National  
23 Security Education Act of 1991 (50 U.S.C. 1902) is

24 amended to read as follows:



1           “(2)(A) will (in accordance with regulations  
2       prescribed by the Secretary of Defense in coordina-  
3       tion with the heads of the other Federal depart-  
4       ments and agencies concerned) begin work not later  
5       than three years after the recipient’s completion of  
6       degree study during which scholarship assistance  
7       was provided under the program—

8           “(i) for not less than one year in a position  
9       certified by the Secretary of Defense, in coordi-  
10      nation with the Director of National Intel-  
11      ligence, the Secretary of Homeland Security,  
12      and the Secretary of State (as appropriate), as  
13      contributing to the national security of the  
14      United States in the Department of Defense,  
15      any element of the intelligence community, the  
16      Department of Homeland Security, or the De-  
17      partment of State;

18          “(ii) for not less than one year in a posi-  
19      tion in a Federal agency or office that is identi-  
20      fied by the Secretary of Defense under sub-  
21      section (g) as having national security respon-  
22      sibilities if the recipient demonstrates to the  
23      Secretary that no position is available in the de-  
24      partments and agencies covered by clause (i); or

1           “(iii) for not less than one academic year  
2           in a position in the field of education in a dis-  
3           cipline related to the study supported by the  
4           program if the recipient demonstrates to the  
5           Secretary of Defense that no position is avail-  
6           able in the departments, agencies, and offices  
7           covered by clauses (i) and (ii); or

8           “(B) will (in accordance with such regulations)  
9           begin work not later than two years after the recipi-  
10          ent’s completion or termination of study for which  
11          fellowship assistance was provided under the pro-  
12          gram—

13               “(i) for not less than one year in a position  
14               certified by the Secretary of Defense, in coordi-  
15               nation with the Director of National Intel-  
16               ligence, the Secretary of Homeland Security,  
17               and the Secretary of State (as appropriate), as  
18               contributing to the national security of the  
19               United States in the Department of Defense,  
20               any element of the intelligence community, the  
21               Department of Homeland Security, or the De-  
22               partment of State;

23               “(ii) for not less than one year in a posi-  
24               tion in a Federal agency or office that is identi-  
25               fied by the Secretary of Defense under sub-

1           section (g) as having national security respon-  
 2           sibilities if the recipient demonstrates to the  
 3           Secretary that no position is available in the de-  
 4           partments and agencies covered by clause (i); or  
 5           “(iii) for not less than one academic year  
 6           in a position in the field of education in a dis-  
 7           cipline related to the study supported by the  
 8           program if the recipient demonstrates to the  
 9           Secretary of Defense that no position is avail-  
 10          able in the departments, agencies, and offices  
 11          covered by clauses (i) and (ii); and”.

12          (b) TEMPORARY EMPLOYMENT AND RETENTION OF  
 13   CERTAIN PARTICIPANTS.—Such section is further amend-  
 14   ed—

15           (1) by redesignating subsections (h) and (i) as  
 16          subsections (i) and (j), respectively; and

17           (2) by inserting after subsection (g) the fol-  
 18          lowing new subsection (h):

19          “(h) TEMPORARY EMPLOYMENT AND RETENTION OF  
 20   CERTAIN PARTICIPANTS.—

21           “(1) IN GENERAL.—The Secretary of Defense  
 22          may—

23           “(A) appoint or retain a person provided  
 24          scholarship or fellowship assistance under the  
 25          program in a position in the Department of De-

1 fense on an interim basis during the period of  
2 the person's pursuit of a degree under the pro-  
3 gram and for a period not to exceed two years  
4 after completion of the degree, but only if, in  
5 the case of the period after completion of the  
6 degree—

7 “(i) there is no appropriate perma-  
8 nent position for the person under sub-  
9 section (b)(2)(A); and

10 “(ii) there is an active and ongoing ef-  
11 fort to identify and assign the person to an  
12 appropriate permanent position as soon as  
13 possible; and

14 “(B) if there is no appropriate permanent  
15 position available for the person after the end  
16 of the periods described in subparagraph (A),  
17 separate the person from employment with the  
18 Department without regard to any other provi-  
19 sion of law, in which event the service agree-  
20 ment of the person under subsection (b) shall  
21 terminate.

22 “(2) TREATMENT OF CERTAIN SERVICE.—The  
23 period of service of a person covered by paragraph  
24 (1) in a position on an interim basis under that  
25 paragraph shall, after completion of the degree, be

1       treated as a period of service for purposes of satis-  
 2       fying the obligated service requirements of the per-  
 3       son under the service agreement of the person under  
 4       subsection (b).”.

5       (c) PLAN FOR IMPROVING PROGRAM.—Not later than  
 6       90 days after the date of the enactment of this Act, the  
 7       Secretary of Defense shall submit to Congress a plan for  
 8       improving the recruitment, placement, and retention with-  
 9       in the Department of Defense of individuals who receive  
 10      scholarships or fellowships under the David L. Boren Na-  
 11      tional Security Education Act of 1991 (50 U.S.C. 1901  
 12      et seq.) in order to facilitate the purposes of that Act in  
 13      meeting the requirements of the Department in acquiring  
 14      individuals with critical foreign language skills and indi-  
 15      viduals who are regional experts.

16   **Subtitle E—Defense Against Ter-**  
 17       **rorism and Related Security**  
 18       **Matters**

19   **SEC. 1041. ENHANCEMENT OF AUTHORITY TO PAY MONE-**  
 20               **TARY REWARDS FOR ASSISTANCE IN COM-**  
 21               **BATING TERRORISM.**

22       Section 127b(c) of title 10, United States Code, is  
 23      amended—

24               (1) in paragraph (1)(B), by inserting “, or to  
 25       a subcommander of a combatant command des-

1       ignated by the commander of the combatant com-  
 2       mand and approved by an Under Secretary of De-  
 3       fense to whom such authority is delegated under  
 4       subparagraph (A),” after “combatant command”;  
 5       and

6               (2) in paragraph (2), by striking “\$2,500” and  
 7       inserting “\$10,000”.

8   **SEC. 1042. USE OF THE ARMED FORCES IN MAJOR PUBLIC**  
 9               **EMERGENCIES.**

10       (a) USE OF THE ARMED FORCES AUTHORIZED.—

11               (1) IN GENERAL.—Section 333 of title 10,  
 12       United States Code, is amended to read as follows:

13   **“§ 333. Major public emergencies; interference with**  
 14               **State and Federal law**

15       “(a) USE OF ARMED FORCES IN MAJOR PUBLIC  
 16   EMERGENCIES.—(1) The President may employ the  
 17   armed forces, including the National Guard in Federal  
 18   service, to—

19               “(A) restore public order and enforce the laws  
 20       of the United States when, as a result of a natural  
 21       disaster, epidemic, or other serious public health  
 22       emergency, terrorist attack or incident, or other con-  
 23       dition in any State or possession of the United  
 24       States, the President determines that—

1           “(i) domestic violence has occurred to such  
2           an extent that the constituted authorities of the  
3           State or possession are incapable of maintain-  
4           ing public order; and

5           “(ii) such violence results in a condition  
6           described in paragraph (2); or

7           “(B) suppress, in a State, any insurrection, do-  
8           mestic violence, unlawful combination, or conspiracy  
9           if such insurrection, violation, combination, or con-  
10          spiracy results in a condition described in paragraph  
11          (2).

12          “(2) A condition described in this paragraph is a con-  
13          dition that—

14               “(A) so hinders the execution of the laws of a  
15               State or possession, as applicable, and of the United  
16               States within that State or possession, that any part  
17               or class of its people is deprived of a right, privilege,  
18               immunity, or protection named in the Constitution  
19               and secured by law, and the constituted authorities  
20               of that State or possession are unable, fail, or refuse  
21               to protect that right, privilege, or immunity, or to  
22               give that protection; or

23               “(B) opposes or obstructs the execution of the  
24               laws of the United States or impedes the course of  
25               justice under those laws.

1       “(3) In any situation covered by paragraph (1)(B),  
 2 the State shall be considered to have denied the equal pro-  
 3 tection of the laws secured by the Constitution.

4       “(b) NOTICE TO CONGRESS.—The President shall  
 5 notify Congress of the determination to exercise the au-  
 6 thority in subsection (a)(1)(A) as soon as practicable after  
 7 the determination and every 14 days thereafter during the  
 8 duration of the exercise of the authority.”.

9               (2) PROCLAMATION TO DISPERSE.—Section 334  
 10 of such title is amended by inserting “or those ob-  
 11 structing the enforcement of the laws” after “insur-  
 12 gents”.

13               (3) HEADING AMENDMENT.—The heading of  
 14 such 15 of such title is amended to read as follows:

15       **“CHAPTER 15—ENFORCEMENT OF THE**  
 16       **LAWS TO RESTORE PUBLIC ORDER”.**

17               (4) CLERICAL AMENDMENTS.—(A) The table of  
 18 chapters at the beginning of subtitle A of title 10,  
 19 United States Code, and at the beginning of part I  
 20 of such subtitle, are each amended by striking the  
 21 item relating to chapter 15 and inserting the fol-  
 22 lowing new item:

**“15. Enforcement of the Laws to Restore Public Order ..... 331”.**

23               (B) The table of sections at the beginning of  
 24 chapter 15 of such title is amended by striking the



1 item relating to sections 333 and inserting the fol-  
 2 lowing new item:

“333. Major public emergencies; interference with State and Federal law.”.

3 (b) PROVISION OF SUPPLIES, SERVICES, AND EQUIP-  
 4 MENT.—

5 (1) IN GENERAL.—Chapter 152 of such title is  
 6 amended by adding at the end the following new sec-  
 7 tion:

8 **“§ 2567. Provision of supplies, services, and equip-**  
 9 **ment in major public emergencies**

10 “(a) PROVISION AUTHORIZED.—In any situation in  
 11 which the President determines to exercise the authority  
 12 in section 333(a)(1)(A) of this title, the President may  
 13 direct the Secretary of Defense to provide supplies, serv-  
 14 ices, and equipment to persons affected by the situation.

15 “(c) COVERED SUPPLIES, SERVICES, AND EQUIP-  
 16 MENT.—The supplies, services, and equipment provided  
 17 under this section may include food, water, utilities, bed-  
 18 ding, transportation, tentage, search and rescue, medical  
 19 care, minor repairs, the removal of debris, and other as-  
 20 sistance necessary for the immediate preservation of life  
 21 and property.

22 “(c) LIMITATIONS.—(1) Supplies, services, and  
 23 equipment may be provided under this section—

24 “(A) only to the extent that the constituted au-  
 25 thorities of the State or possession concerned are

1       unable to provide such supplies, services, and equip-  
 2       ment, as the case may be; and

3           “(B) only until such authorities, or other de-  
 4       partments or agencies of the United States charged  
 5       with the provision of such supplies, services, and  
 6       equipment, are able to provide such supplies, serv-  
 7       ices, and equipment.

8       “(2) The Secretary may provide supplies, services,  
 9       and equipment under this section only to the extent that  
 10      the Secretary determines that doing so will not interfere  
 11      with military preparedness or ongoing military operations  
 12      or functions.

13       “(d) INAPPLICABILITY OF CERTAIN AUTHORITIES.—  
 14      The provision of supplies, services, or equipment under  
 15      this section shall not be subject to the provisions of section  
 16      403(c) of the Robert T. Stafford Disaster Relief and  
 17      Emergency Assistance Act (42 U.S.C. 5170b(c)).”.

18           (2) CLERICAL AMENDMENT.—The table of sec-  
 19      tions at the beginning of such chapter is amended  
 20      by adding at the end the following new item:

“2567. Provision of supplies, services, and equipment in major public emer-  
 gencies.”.

21       (c) CONFORMING AMENDMENTS.—Section 12304(c)  
 22      of such title is amended—

23           (1) by striking paragraph (1); and

1           (2) by redesignating paragraphs (2) and (3) as  
2           paragraphs (1) and (2), respectively.

3 **SEC. 1043. TREATMENT UNDER FREEDOM OF INFORMA-**  
4 **TION ACT OF CERTAIN CONFIDENTIAL IN-**  
5 **FORMATION SHARED WITH STATE AND**  
6 **LOCAL PERSONNEL.**

7           Confidential business information and other sensitive  
8           but unclassified homeland security information in the pos-  
9           session of the Department of Defense that is shared, pur-  
10          suant to section 892 of the Homeland Security Act of  
11          2002 (6 U.S.C. 482), with State and local personnel in-  
12          volved in the prevention, interdiction, or disruption of, or  
13          response to, terrorist activity shall not be subject to dislo-  
14          sure under section 552 of title 5, United States Code  
15          (commonly referred to as the “Freedom of Information  
16          Act”), by virtue of the sharing of such information with  
17          such personnel.

1 **Subtitle F—Miscellaneous Authori-**  
 2 **ties on Availability and Use of**  
 3 **Funds**

4 **SEC. 1051. ACCEPTANCE AND RETENTION OF REIMBURSE-**  
 5 **MENT FROM NON-FEDERAL SOURCES TO DE-**  
 6 **FRAY DEPARTMENT OF DEFENSE COSTS OF**  
 7 **CONFERENCES.**

8 (a) IN GENERAL.—Subchapter II of chapter 134 of  
 9 title 10, United States Code, is amended by adding at the  
 10 end the following new section:

11 **“§ 2262. Department of Defense conferences: collec-**  
 12 **tion of fees to cover Department of De-**  
 13 **fense costs**

14 “(a) IN GENERAL.—(1) The Secretary of Defense  
 15 may, whether directly or by contract, collect fees from any  
 16 individual or commercial participant in a conference, sem-  
 17 inar, exhibition, symposium, or similar meeting (in this  
 18 section referred to collectively as a ‘conference’) conducted  
 19 by the Department of Defense.

20 “(2) Fees may be collected with respect to a con-  
 21 ference under this subsection in advance of the conference.

22 “(3) The total amount of fees collected under this  
 23 subsection with respect to a conference may not exceed  
 24 the costs of the Department of Defense with respect to  
 25 the conference.

1       “(b) TREATMENT OF COLLECTIONS.—(1) Amounts  
2 collected under subsection (a) with respect to a conference  
3 shall be credited to the appropriation or account from  
4 which the costs of the conference are paid.

5       “(2) In the event the total amount of fees collected  
6 with respect to a conference exceeds the costs of the De-  
7 partment with respect to the conference, the amount of  
8 such excess shall be deposited into the Treasury as mis-  
9 cellaneous receipts.

10       “(3) Amounts credited to an appropriation or account  
11 under paragraph (1) with respect to a conference shall be  
12 available to pay the costs of the Department with respect  
13 to the conference or to reimburse the Department for costs  
14 incurred with respect to the conference.

15       “(c) ANNUAL REPORTS.—(1) Each year, not later  
16 than 45 days after the President submits to Congress the  
17 budget for a fiscal year under section 1105 of title 31,  
18 the Secretary shall submit to the congressional defense  
19 committees budget justification documents summarizing  
20 the use of the authority under this section.

21       “(2) Each report under this subsection shall include  
22 the following:

23               “(A) A list of conferences during the last two  
24 calendar years for which fees were collected under  
25 subsection (a).

1           “(B) For each conference listed under subpara-  
2       graph (A)—

3           “(i) The estimated costs of the Depart-  
4       ment for such conference.

5           “(ii) The actual costs of the Department  
6       for such conference, including a separate state-  
7       ment of the amount of any conference coordi-  
8       nator fees associated with such conference.

9           “(iii) The amount for collected under sub-  
10      section (a) for such conference.

11          “(C) An estimate of the number of conferences  
12      to be conducted in the calendar year of such report  
13      for which the Department will collect fees under sub-  
14      section (a).”.

15      (b) CLERICAL AMENDMENT.—The table of sections  
16      at the beginning of subchapter II of chapter 134 of such  
17      title is amended by adding at the end the following new  
18      item:

“2262. Department of Defense conferences: collection of fees to cover Depart-  
ment of Defense costs.”.

19      **SEC. 1052. MINIMUM ANNUAL PURCHASE AMOUNTS FOR**  
20                                   **AIRLIFT FROM CARRIERS PARTICIPATING IN**  
21                                   **THE CIVIL RESERVE AIR FLEET.**

22      (a) IN GENERAL.—Chapter 931 of title 10, United  
23      States Code, is amended by adding at the end the fol-  
24      lowing new section:

1   **“§ 9515. Airlift services: minimum annual purchase**  
2                   **amount for carriers participating in Civil**  
3                   **Reserve Air Fleet**

4           “(a) IN GENERAL.—The Secretary of Defense may  
5   award to air carriers participating in the Civil Reserve Air  
6   Fleet on a fiscal year basis a one-year contract for airlift  
7   services with a minimum purchase amount determined in  
8   accordance with this section.

9           “(b) MINIMUM PURCHASE AMOUNT.—(1) The aggre-  
10   gate amount of the minimum purchase amount for all con-  
11   tracts awarded under subsection (a) for a fiscal year shall  
12   be based on forecast needs, but may not exceed the  
13   amount equal to 80 percent of the annual average expendi-  
14   ture of the Department of Defense for airlift during the  
15   five-fiscal year period ending in the fiscal year before the  
16   fiscal year for which such contracts are awarded.

17          “(2) In calculating the annual average expenditure  
18   of the Department of Defense for airlift for purposes of  
19   paragraph (1), the Secretary of Defense may omit from  
20   the calculation any fiscal year exhibiting unusually high  
21   demand for airlift if the Secretary determines that the  
22   omission of such fiscal year from the calculation will result  
23   in a more accurate forecast of anticipated airlift for pur-  
24   poses of that paragraph.

25          “(3) The aggregate amount of the minimum purchase  
26   amount for all contracts awarded under subsection (a) for

1 a fiscal year, as determined under paragraph (1), shall  
2 be allocated among all carriers awarded contracts under  
3 that subsection for such fiscal year in proportion to the  
4 commitments of such carriers to the Civil Reserve Air  
5 Fleet for such fiscal year.

6 “(c) ADJUSTMENT TO MINIMUM PURCHASE AMOUNT  
7 FOR PERIODS OF UNAVAILABILITY OF AIRLIFT.—In de-  
8 termining the minimum purchase amount payable under  
9 a contract under subsection (a) for airlift provided by a  
10 carrier during the fiscal year covered by such contract,  
11 the Secretary of Defense may adjust the amount allocated  
12 to the carrier under subsection (b)(3) to take into account  
13 periods during such fiscal year when services of the carrier  
14 are unavailable for usage by the Department of Defense,  
15 including during periods of refused business or suspended  
16 operations or when the carrier is placed in nonuse status  
17 pursuant to section 2640 of this title for safety issues.

18 “(d) DISTRIBUTION OF AMOUNTS.—If any amount  
19 available under this section for the minimum purchase of  
20 airlift from a carrier for a fiscal year under a contract  
21 under subsection (a) is not utilized to purchase airlift from  
22 the carrier in such fiscal year, such amount shall be pro-  
23 vided to the carrier prior to the first day of the following  
24 fiscal year.



1       “(e) TRANSFER OF FUNDS.—At the beginning of  
2 each fiscal year, the Secretary of each military department  
3 shall transfer to the transportation working capital fund  
4 a percentage of the total amount anticipated to be re-  
5 quired in such fiscal year for payment of minimum pur-  
6 chase amounts under all contracts awarded under sub-  
7 section (a) for such fiscal year equivalent to the percent-  
8 age of the anticipated use of airlift by such military de-  
9 partment during such fiscal year from all carriers under  
10 contracts awarded under subsection (a) for such fiscal  
11 year.

12       “(f) AVAILABILITY OF AIRLIFT.—(1) From the total  
13 amount of airlift available for a fiscal year under all con-  
14 tracts awarded under subsection (a) for such fiscal year,  
15 a military department shall be entitled to obtain a percent-  
16 age of such airlift equivalent to the percentage of the con-  
17 tribution of the military department to the transportation  
18 working capital fund for such fiscal year under subsection  
19 (e).

20       “(2) A military department may transfer any entitle-  
21 ment to airlift under paragraph (1) to any other military  
22 department or to any other agency, element, or component  
23 of the Department of Defense.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of chapter 931 of such title is amended  
 3 by adding at the end the following new item:

“9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.”.

4 **SEC. 1053. INCREASED FLEXIBILITY IN USE OF FUNDS FOR**  
 5 **JOINT STAFF EXERCISES.**

6 (a) IN GENERAL.—Amounts available to the Chair-  
 7 man of the Joint Chiefs of Staff for joint staff exercises  
 8 may be available for any expenses as follows:

9 (1) Expenses of the Armed Forces in connec-  
 10 tion with such exercises, including expense relating  
 11 to self-deploying watercraft under the jurisdiction of  
 12 a military department.

13 (2) Expenses relating to the costs of port sup-  
 14 port activities in connection with such exercises, in-  
 15 cluding transportation and port handling.

16 (3) Expenses relating to the breakout and oper-  
 17 ation of prepositioned watercraft and lighterage for  
 18 joint logistics and over the shore exercises in connec-  
 19 tion with such exercises.

20 (b) SUPPLEMENT NOT SUPPLANT.—Any amounts  
 21 made available by the Chairman of the Joint Chiefs of  
 22 Staff under subsection (a) for expenses covered by that  
 23 subsection are in addition to any other amounts available  
 24 under law for such expenses.

## **Subtitle G—Report Matters**

### **SEC. 1061. REPORT ON CLARIFICATION OF PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.**

(a) FINDINGS.—Congress makes the following findings:

(1) It is critical that members of the Armed Forces have clear guidelines about the legality of interrogation techniques as they seek critical intelligence in the War on Terrorism.

(2) To avoid confusion, any determination made about the legality of various interrogation techniques must be consistent across the United States Government.

(3) Confusion continues about the permissibility of various interrogation techniques, even after the enactment of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148).

(4) In testimony before the Senate and in written response to queries from the Senate, senior military commanders, Judge Advocates General of the Armed Forces, and various civilian officials of the Executive Branch have given incomplete or varying answers to questions on what constitutes cruel, inhuman, or degrading treatment.

1           (5) It is critical to clarify these matters in order  
2           to ensure that members of the Armed Forces do not  
3           receive unclear or misleading guidance on such mat-  
4           ters.

5           (b) REPORT.—Not later than 90 days after the date  
6           of the enactment of this Act, the President shall submit  
7           to the congressional defense committees a report setting  
8           forth the coordinated and definitive legal opinion of the  
9           United States Government on whether each of the fol-  
10          lowing interrogation techniques constitutes cruel, inhu-  
11          man, or degrading treatment or punishment (as defined  
12          in section 1002(d) of the Detainee Treatment Act of 2006  
13          (as defined in the Detainee Treatment Act of 2005 (119  
14          Stat. 2740; 42 U.S.C. 2000dd(d)):

15           (1) Waterboarding, or any other technique  
16           using water, bags, or other devices or substances to  
17           induce a sensation of drowning or asphyxiation.

18           (2) Sleep deprivation, including, at a minimum,  
19           depriving a prisoner of sleep for 24 hours or more  
20           or permitting five or less hours of sleep per day over  
21           a period of three or more days.

22           (3) Stress positions, including the use of any  
23           technique in which a prisoner is placed or shackled  
24           in a painful or awkward position (including pro-  
25           longed standing or crouching, shackling arms above

1 the head for prolonged periods, or the use of shack-  
2 les or handcuffs in a manner which causes pain due  
3 to the swelling of tissue over a prolonged period of  
4 time).

5 (4) The use of extreme temperatures as an aid  
6 to interrogation.

7 (5) The use of beatings, slapping, or violent  
8 shaking.

9 (6) The use of dogs as an aid to interrogation.

10 (7) The use of nakedness or other forms of sex-  
11 ual humiliation as an aid to interrogation.

12 (c) ELEMENTS.—The report under subsection (b)  
13 shall state, for each interrogation technique listed in that  
14 subsection, the following

15 (1) Whether the technique would constitute  
16 cruel and unusual punishment under the Constitu-  
17 tion of the United States if used on a United States  
18 citizen within the United States.

19 (2) Whether the technique would constitute  
20 cruel and unusual punishment under the Constitu-  
21 tion of the United States if used on a United States  
22 citizen outside the United States.

23 (3) Whether the technique would be legal if  
24 used to interrogate a member of the Armed Forces

1 of the United States by a state party to the Geneva  
2 Conventions.

3 (4) Whether the technique would be legal if  
4 used to interrogate a United States citizen by a  
5 state party to the Convention Against Torture and  
6 Other Cruel, Inhuman or Degrading Treatment or  
7 Punishment.

8 (d) CERTIFICATION ON NATURE OF OPINIONS.—The  
9 report under subsection (b) shall include a certification  
10 that the legal opinions set forth in the report are the co-  
11 ordinated and definitive opinion of the United States Gov-  
12 ernment binding on all departments and agencies of the  
13 United States Government, any personnel of such depart-  
14 ments and agencies, and any contractors of such depart-  
15 ments and agencies.

16 (e) DISSEMINATION OF OPINIONS.—

17 (1) IN GENERAL.—The President shall ensure  
18 the dissemination of the legal opinions set forth in  
19 the report to all departments and agencies of the  
20 United States Government, together with the in-  
21 struction that such opinions be further disseminated  
22 to all personnel of such departments and agencies  
23 and all contractors of such departments and agen-  
24 cies.

1           (2) CERTIFICATION ON DISSEMINATION.—The  
2       report shall include a certification regarding compli-  
3       ance with the requirement in paragraph (1).

4       (f) DEFINITIONS.—In this section:

5           (1) The term “Convention Against Torture and  
6       Other Cruel, Inhuman or Degrading Treatment or  
7       Punishment” means the Convention Against Torture  
8       and Other Cruel, Inhuman or Degrading Treatment  
9       or Punishment, done at New York, December 10,  
10      1984, and entering into force June 26, 1987 (T.  
11      Doc. 100–20).

12          (2) The term “Geneva Conventions” means—

13           (A) the Convention for the Amelioration of  
14       the Condition of the Wounded and Sick in  
15       Armed Forces in the Field, done at Geneva Au-  
16       gust 12, 1949 (6 UST 3114);

17           (B) the Convention for the Amelioration of  
18       the Condition of the Wounded, Sick, and Ship-  
19       wrecked Members of Armed Forces at Sea,  
20       done at Geneva August 12, 1949 (6 UST  
21       3217);

22           (C) the Convention Relative to the Treat-  
23       ment of Prisoners of War, done at Geneva Au-  
24       gust 12, 1949 (6 UST 3316); and

1 (D) the Convention Relative to the Protec-  
2 tion of Civilian Persons in Time of War, done  
3 at Geneva August 12, 1949 (6 UST 3516).

4 **SEC. 1062. REPORTS ON MEMBERS OF THE ARMED FORCES**  
5 **AND CIVILIAN EMPLOYEES OF THE DEPART-**  
6 **MENT OF DEFENSE SERVING IN THE LEGIS-**  
7 **LATIVE BRANCH.**

8 (a) MONTHLY REPORTS ON DETAILS AND FELLOW-  
9 SHIPS OF LONG DURATION.—Not later than 120 days  
10 after the date of the enactment of this Act, and monthly  
11 thereafter, the Secretary of Defense shall submit to the  
12 congressional defense committees a report on the members  
13 of the Armed Forces and civilian employees of the Depart-  
14 ment of Defense who, as of the date of such report, have  
15 served continuously in the Legislative Branch for more  
16 than 12 consecutive months in one or a combination of  
17 covered legislative details or fellowships.

18 (b) REPORTS ON CERTAIN MILITARY DETAILS AND  
19 FELLOWSHIPS.—If a member of the Armed Forces is as-  
20 signed to a covered legislative detail or fellowship as the  
21 last tour of duty of such member before retirement or sep-  
22 aration from the Armed Forces in contravention of the  
23 regulations of the Department of Defense, the Secretary  
24 shall submit to the congressional defense committees a re-  
25 port on the assignment of such member to such covered



1 legislative detail or fellowship. The report shall include a  
2 rationale for the waiver of the regulations of the Depart-  
3 ment in order to permit the detail or fellowship.

4 (c) REPORT ELEMENTS.—Each report under sub-  
5 section (a) or (b) shall set forth, for each member of the  
6 Armed Forces or civilian employee covered of the Depart-  
7 ment of Defense covered by such report, the following:

8 (1) The name of such member or employee.

9 (2) In the case of a member, the Armed Force  
10 of such member.

11 (3) The committee or member of Congress to  
12 which such member or employee is detailed or as-  
13 signed.

14 (4) A general description of the projects or  
15 tasks undertaken or to be undertaken, as applicable,  
16 by such member or employee as a detailee, fellow, or  
17 both.

18 (5) The anticipated termination date of the cur-  
19 rent detail or fellowship of such member or em-  
20 ployee.

21 (d) COVERED LEGISLATIVE DETAIL OR FELLOWSHIP  
22 DEFINED.—In this section, the term “covered legislative  
23 detail or fellowship” means the following:

24 (1) A detail under the provisions of Department  
25 of Defense Directive 1000.17.

1           (2) A legislative fellowship (including a legisla-  
 2           tive fellowship under the provisions of Department  
 3           of Defense Directive 1322.6).

4 **SEC. 1063. ADDITIONAL ELEMENT IN ANNUAL REPORT ON**  
 5 **CHEMICAL AND BIOLOGICAL WARFARE DE-**  
 6 **FENSE.**

7           Section 1703(b) of the National Defense Authoriza-  
 8           tion Act for Fiscal Year 1994 (50 U.S.C. 1523(b)) is  
 9           amended by adding at the end the following new para-  
 10          graph:

11           “(10) A description of the coordination and in-  
 12           tegration of the program of the Defense Advanced  
 13           Research Projects Agency (DARPA) on basic and  
 14           applied research and advanced technology develop-  
 15           ment on chemical and biological warfare defense  
 16           technologies and systems under section 1701(c)(2)  
 17           with the overall program of the Department of De-  
 18           fense on chemical and biological warfare defense, in-  
 19           cluding—

20           “(A) the degree to which the program of  
 21           the Defense Advanced Research Projects Agen-  
 22           cy supports the objectives and requirements of  
 23           the program of the Department of Defense; and

24           “(B) the means of determining the level of  
 25           coordination and support provided by the pro-

1           gram of the Defense Advanced Research  
2           Projects Agency for the program of the Depart-  
3           ment of Defense.”.

4 **SEC. 1064. REPORT ON LOCAL BOARDS OF TRUSTEES OF**  
5 **THE ARMED FORCES RETIREMENT HOME.**

6           Not later than 30 days after the date of the enact-  
7           ment of this Act, the Secretary of Defense shall submit  
8           to the congressional defense committees a report setting  
9           forth the following:

10           (1) The current composition and activities of  
11           the Local Board of Trustees of the Armed Forces  
12           Retirement Home—Washington under section 1516  
13           of the Armed Forces Retirement Home Act of 1991  
14           (24 U.S.C. 416).

15           (2) The current composition and activities of  
16           the Local Board of Trustees of the Armed Forces  
17           Retirement Home—Gulfport under section 1516 of  
18           such Act.

19 **SEC. 1065. REPEAL OF CERTAIN REPORT REQUIREMENTS.**

20           (a) ANNUAL REPORT ON AVIATION CAREER INCEN-  
21           TIVE PAY.—Section 301a of title 37, United States Code,  
22           is amended by striking subsection (f).

23           (b) ANNUAL REPORT ON EFFECTS OF CERTAIN INI-  
24           TIATIVES ON RECRUITMENT AND RETENTION.—

1           (1) REPEAL.—Section 1015 of title 37, United  
2       States Code, is repealed.

3           (2) CLERICAL AMENDMENT.—The table of sec-  
4       tions at the beginning of chapter 19 of such title is  
5       amended by striking the item relating to section  
6       1015.

7       (c) SECRETARY OF DEFENSE RECOMMENDATION ON  
8       NEED FOR DEFENSE IMPACT REVIEW PROCESS.—Section  
9       1041 of the National Defense Authorization Act for Fiscal  
10      Year 2002 (Public Law 107–107; 115 Stat. 1217) is re-  
11     pealed.

12      (d) REPORT ON PILOT PROGRAM TO ENHANCE MILI-  
13     TARY RECRUITING BY IMPROVING MILITARY AWARENESS  
14     OF SCHOOL COUNSELORS AND EDUCATORS.—Section 564  
15     of the Floyd D. Spence National Defense Authorization  
16     Act for Fiscal Year 2001 (as enacted into law by Public  
17     Law 106–398 (114 Stat. 1654A–134); 10 U.S.C. 503  
18     note) is amended by striking subsection (c).

19      (e) ANNUAL REPORT ON MEDICAL INFORMATICS.—  
20     Section 723(d) of the National Defense Authorization Act  
21     for Fiscal Year 2000 (10 U.S.C. 1071 note) is amended—

22           (1) by striking paragraph (5); and

23           (2) by redesignating paragraphs (6) and (7) as  
24     paragraphs (5) and (6), respectively.

1 (f) REPORT ON IMPOSITION OF ADDITIONAL  
 2 CHARGES OR FEES FOR ATTENDANCE AT CERTAIN ACAD-  
 3 EMIES.—Section 553(b) of the National Defense Author-  
 4 ization Act for Fiscal Year 1995 (Public Law 103–337;  
 5 108 Stat. 2772; 10 U.S.C. 4331 note) is amended by  
 6 striking the second sentence.

## 7 **Subtitle H—Technical and** 8 **Conforming Amendments**

### 9 **SEC. 1071. UNIFORM DEFINITION OF NATIONAL SECURITY** 10 **SYSTEM FOR CERTAIN DEPARTMENT OF DE-** 11 **FENSE PURPOSES.**

12 (a) DEFENSE BUSINESS SYSTEMS.—Section  
 13 2222(j)(6) of title 10, United States Code, is amended by  
 14 striking “section 2315 of this title” and inserting “section  
 15 3542(b)(2) of title 44”.

16 (b) INFORMATION TECHNOLOGY.—Section  
 17 2223(c)(3) of such title is amended by striking “section  
 18 11103 of title 40” and inserting “section 3542(b)(2) of  
 19 title 44”.

20 (c) PROCUREMENT OF AUTOMATIC DATA PROC-  
 21 ESSING EQUIPMENT AND SERVICES.—The text of section  
 22 2315 of such title is amended to read as follows:

23 “For the purposes of subtitle III of title 40, the term  
 24 ‘national security system’ has the meaning given that term  
 25 in section 3542(b)(2) of title 44.”.

1 **SEC. 1072. CONFORMING AMENDMENT RELATING TO RE-**  
 2 **DESIGNATION OF DEFENSE COMMUNICA-**  
 3 **TIONS AGENCY AS DEFENSE INFORMATION**  
 4 **SYSTEMS AGENCY.**

5 Paragraph (1) of section 193(f) of title 10, United  
 6 States Code, is amended to read as follows:

7 “(1) The Defense Information Systems Agen-  
 8 cy.”.

9 **SEC. 1073. TECHNICAL AMENDMENT.**

10 Effective as of the date of the enactment of the Na-  
 11 tional Defense Authorization Act for Fiscal Year 2006  
 12 (Public Law 109–163) and as if included in the enactment  
 13 thereof, section 341(e) of such Act (119 Stat. 3199) is  
 14 amended by striking “(a)(1)(E)” and inserting  
 15 “(a)(1)(F)”.

16 **Subtitle I—Other Matters**

17 **SEC. 1081. NATIONAL FOREIGN LANGUAGE COORDINATION**  
 18 **COUNCIL.**

19 (a) ESTABLISHMENT.—

20 (1) IN GENERAL.—Effective on October 1,  
 21 2006, there is established the National Foreign Lan-  
 22 guage Coordination Council (in this section referred  
 23 to as the “Council”).

24 (2) INDEPENDENT ESTABLISHMENT.—The Na-  
 25 tional Foreign Language Coordination Council shall

1       be an independent establishment as defined under  
2       section 104 of title 5, United States Code.

3       (b) MEMBERSHIP.—The Council shall consist of the  
4       following members or their designees:

5           (1) The National Language Director, who shall  
6       serve as the chairperson of the Council.

7           (2) The Secretary of Education.

8           (3) The Secretary of Defense.

9           (4) The Secretary of State.

10          (5) The Secretary of Homeland Security.

11          (6) The Attorney General.

12          (7) The Director of National Intelligence.

13          (8) The Secretary of Labor.

14          (9) The Director of the Office of Personnel  
15       Management.

16          (10) The Director of the Office of Management  
17       and Budget.

18          (11) The Secretary of Commerce.

19          (12) The Secretary of Health and Human Serv-  
20       ices.

21          (13) The Secretary of the Treasury.

22          (14) The Secretary of Housing and Urban De-  
23       velopment.

24          (15) The Secretary of Agriculture.

1           (16) The Chairman and President of the Ex-  
2           port-Import Bank of the United States.

3           (17) The heads of such other Federal agencies  
4           as the Council considers appropriate.

5           (c) RESPONSIBILITIES.—

6           (1) IN GENERAL.—The Council shall be  
7           charged with—

8                   (A) developing a national foreign language  
9                   strategy, within 18 months of the date of the  
10                  enactment of this Act, in consultation with—

11                          (i) State and local government agen-  
12                          cies;

13                          (ii) academic sector institutions;

14                          (iii) foreign language related interest  
15                          groups;

16                          (iv) business associations;

17                          (v) industry;

18                          (vi) heritage associations; and

19                          (vii) other relevant stakeholders;

20                   (B) conducting a survey of the extent of  
21                   Federal agency foreign language and area ex-  
22                   pertise, and of Federal agency needs for such  
23                   expertise;

24                   (C) identifying and evaluating the ade-  
25                   quacy of Federal foreign language programs,



1 including any duplicative or overlapping pro-  
2 grams that may impede efficiency; and

3 (D) monitoring the implementation of such  
4 strategy through—

5 (i) application of current and recently  
6 enacted laws; and

7 (ii) the promulgation and enforcement  
8 of rules and regulations.

9 (2) STRATEGY CONTENT.—The strategy devel-  
10 oped under paragraph (1) shall include—

11 (A) identification of priorities to expand  
12 foreign language skills in the public and private  
13 sectors;

14 (B) recommendations for improving coordi-  
15 nation of foreign language programs and activi-  
16 ties among Federal agencies, enhancing Federal  
17 foreign language programs and activities, and  
18 allocating resources appropriately in order to  
19 maximize the use of resources;

20 (C) needed national policies and cor-  
21 responding legislative and regulatory actions in  
22 support of, and allocation of designated re-  
23 sources to, promising programs and initiatives  
24 at all levels (Federal, State, and local), espe-  
25 cially in the less commonly taught languages

1 that are seen as critical for national security  
2 and global competitiveness during the next 20  
3 to 50 years;

4 (D) effective ways to increase public  
5 awareness of the need for foreign language  
6 skills and career paths in the public and private  
7 sectors that can employ those skills, with the  
8 objective of increasing support for foreign lan-  
9 guage study among—

10 (i) Federal, State, and local leaders;

11 (ii) students;

12 (iii) parents;

13 (iv) elementary, secondary, and post-  
14 secondary educational institutions; and

15 (v) employers;

16 (E) recommendations for incentives for de-  
17 veloping related educational programs, includ-  
18 ing foreign language teacher training;

19 (F) coordination of public and private sec-  
20 tor efforts to provide foreign language instruc-  
21 tion and acquire foreign language and area ex-  
22 pertise;

23 (G) coordination of public and private sec-  
24 tor initiatives to develop a strategic posture for  
25 language research;

1 (H) recommendations for—

2 (i) the development of foreign lan-  
3 guage achievement standards; and

4 (ii) corresponding assessments of for-  
5 eign language achievement standards for  
6 the elementary, secondary, and postsec-  
7 ondary education levels, including the Na-  
8 tional Assessment of Educational Progress  
9 in foreign languages;

10 (I) recommendations for development of—

11 (i) language skill-level certification  
12 standards;

13 (ii) frameworks for pre-service and  
14 professional development study for those  
15 who teach foreign language;

16 (iii) suggested graduation criteria for  
17 foreign language studies in non-language  
18 areas, such as—

19 (I) international business;

20 (II) national security;

21 (III) public administration;

22 (IV) health care;

23 (V) engineering;

24 (VI) law;

25 (VII) journalism; and

1 (VIII) sciences;

2 (J) identification of and means for repli-  
3 cating best practices for teaching foreign lan-  
4 guages in the public and private sectors, includ-  
5 ing best practices from the international com-  
6 munity; and

7 (K) recommendations for overcoming bar-  
8 riers in foreign language proficiency.

9 (d) SUBMISSION OF STRATEGY TO PRESIDENT AND  
10 CONGRESS.—Not later than 18 months after the date of  
11 the enactment of this Act, the Council shall prepare and  
12 transmit to the President and the relevant committees of  
13 Congress the national foreign language strategy required  
14 under subsection (c).

15 (e) MEETINGS.—The Council may hold such meet-  
16 ings, and sit and act at such times and places, as the  
17 Council considers appropriate, but shall meet in formal  
18 session at least 2 times a year. State and local government  
19 agencies and other organizations (such as academic sector  
20 institutions, foreign language-related interest groups,  
21 business associations, industry, and heritage community  
22 organizations) shall be invited, as appropriate, to public  
23 meetings of the Council at least once a year.

24 (f) STAFF.—

25 (1) IN GENERAL.—The Director may—

1 (A) appoint, without regard to the provi-  
2 sions of title 5, United States Code, governing  
3 the competitive service, such personnel as the  
4 Director considers necessary; and

5 (B) compensate such personnel without re-  
6 gard to the provisions of chapter 51 and sub-  
7 chapter III of chapter 53 of that title.

8 (2) DETAIL OF GOVERNMENT EMPLOYEES.—  
9 Upon request of the Council, any Federal Govern-  
10 ment employee may be detailed to the Council with-  
11 out reimbursement, and such detail shall be without  
12 interruption or loss of civil service status or privilege

13 (3) EXPERTS AND CONSULTANTS.—With the  
14 approval of the Council, the Director may procure  
15 temporary and intermittent services under section  
16 3109(b) of title 5, United States Code.

17 (4) TRAVEL EXPENSES.—Council members and  
18 staff shall be allowed travel expenses, including per  
19 diem in lieu of subsistence, at rates authorized for  
20 employees of agencies under subchapter I of chapter  
21 57 of title 5, United States Code, while away from  
22 their homes or regular places of business in the per-  
23 formance of services for the Council.

24 (5) SECURITY CLEARANCE.—

1           (A) IN GENERAL.—Subject to subpara-  
2           graph (B), the appropriate Federal agencies or  
3           departments shall cooperate with the Council in  
4           expeditiously providing to the Council members  
5           and staff appropriate security clearances to the  
6           extent possible pursuant to existing procedures  
7           and requirements.

8           (B) EXCEPTION.—No person shall be pro-  
9           vided with access to classified information  
10          under this section without the appropriate re-  
11          quired security clearance access.

12          (6) COMPENSATION.—The rate of pay for any  
13          employee of the Council (including the Director)  
14          may not exceed the rate payable for level V of the  
15          Executive Schedule under section 5316 of title 5,  
16          United States Code.

17          (g) POWERS.—

18               (1) DELEGATION.—Any member or employee of  
19               the Council may, if authorized by the Council, take  
20               any action that the Council is authorized to take in  
21               this section.

22               (2) INFORMATION.—

23                       (A) COUNCIL AUTHORITY TO SECURE.—  
24                       The Council may secure directly from any Fed-  
25                       eral agency such information, consistent with

1 Federal privacy laws, including the Family  
2 Educational Rights and Privacy Act (20 U.S.C.  
3 1232g) and the Department of Education's  
4 General Education Provisions Act (20 U.S.C.  
5 1232(h)), the Council considers necessary to  
6 carry out its responsibilities.

7 (B) REQUIREMENT TO FURNISH RE-  
8 QUESTED INFORMATION.—Upon request of the  
9 Director, the head of such agency shall furnish  
10 such information to the Council.

11 (3) DONATIONS.—The Council may accept, use,  
12 and dispose of gifts or donations of services or prop-  
13 erty.

14 (4) MAIL.—The Council may use the United  
15 States mail in the same manner and under the same  
16 conditions as other Federal agencies.

17 (h) CONFERENCES, NEWSLETTER, AND WEBSITE.—  
18 In carrying out this section, the Council—

19 (1) may arrange Federal, regional, State, and  
20 local conferences for the purpose of developing and  
21 coordinating effective programs and activities to im-  
22 prove foreign language education;

23 (2) may publish a newsletter concerning Fed-  
24 eral, State, and local programs that are effectively

1 meeting the foreign language needs of the nation;  
2 and

3 (3) shall create and maintain a website con-  
4 taining information on the Council and its activities,  
5 best practices on language education, and other rel-  
6 evant information.

7 (i) REPORTS.—Not later than April 1, 2007, and an-  
8 nually thereafter, the Council shall prepare and transmit  
9 to the President and the relevant committees of Congress  
10 a report that describes—

11 (1) the activities of the Council to develop the  
12 national foreign language strategy required under  
13 subsection (c);

14 (2) the findings of the Council as of the date  
15 of such report;

16 (3) the efforts of the Council to improve foreign  
17 language education and training; and

18 (4) impediments identified by the Council to the  
19 implementation of a comprehensive national foreign  
20 language strategy, including any statutory and regu-  
21 latory restrictions.

22 (j) ESTABLISHMENT OF NATIONAL LANGUAGE DI-  
23 RECTOR.—

24 (1) IN GENERAL.—There is established a Na-  
25 tional Language Director who shall be appointed by



1 the President. The National Language Director shall  
2 be a nationally recognized individual with credentials  
3 and abilities in the public and private sectors to be  
4 involved with creating and implementing long-term  
5 solutions to achieving national foreign language and  
6 cultural competency.

7 (2) RESPONSIBILITIES.—The National Lan-  
8 guage Director shall—

9 (A) develop and monitor the implementa-  
10 tion of a national foreign language strategy  
11 across the public and private sectors;

12 (B) establish formal relationships among  
13 the major stakeholders in meeting the needs of  
14 the Nation for improved capabilities in foreign  
15 languages and cultural understanding, including  
16 Federal, State, and local government agencies,  
17 academia, industry, labor, and heritage commu-  
18 nities; and

19 (C) coordinate and lead a public informa-  
20 tion campaign that raises awareness of public  
21 and private sector careers requiring foreign lan-  
22 guage skills and cultural understanding, with  
23 the objective of increasing interest in and sup-  
24 port for the study of foreign languages among

1 national leaders, the business community, local  
2 officials, parents, and individuals.

3 (k) ENCOURAGEMENT OF STATE INVOLVEMENT.—

4 (1) STATE CONTACT PERSONS.—The Council  
5 shall consult with each State to provide for the des-  
6 ignation by each State of an individual to serve as  
7 a State contact person for the purpose of receiving  
8 and disseminating information and communications  
9 received from the Council.

10 (2) STATE INTERAGENCY COUNCILS AND LEAD  
11 AGENCIES.—Each State is encouraged to establish a  
12 State interagency council on foreign language co-  
13 ordination or designate a lead agency for the State  
14 for the purpose of assuming primary responsibility  
15 for coordinating and interacting with the Council  
16 and State and local government agencies as nec-  
17 essary.

18 (l) SUNSET.—This section shall cease to have effect  
19 on September 30, 2015.

20 (m) AUTHORIZATION OF APPROPRIATIONS.—There is  
21 authorized to be appropriated for fiscal year 2007,  
22 \$1,500,000 to carry out this section.

1 **SEC. 1082. SUPPORT OF SUCCESSOR ORGANIZATIONS OF**  
2 **THE DISESTABLISHED INTERAGENCY GLOB-**  
3 **AL POSITIONING SYSTEM EXECUTIVE BOARD.**

4 Section 8 of the Commercial Space Transportation  
5 Competitiveness Act of 2000 (Public Law 106–405; 114  
6 Stat. 1753; 10 U.S.C. 2281 note) is amended by striking  
7 “the Interagency Global Positioning System Executive  
8 Board, including an Executive Secretariat to be housed  
9 at the Department of Commerce” and inserting “the Na-  
10 tional Space-Based Positioning, Navigation, and Timing  
11 Executive Committee, the National Space-Based Posi-  
12 tioning, Navigation, and Timing Coordination Office, and  
13 the National Space-Based Positioning, Navigation, and  
14 Timing Advisory Board, and any successor organization”.

15 **SEC. 1083. SENSE OF CONGRESS ON THE QUADRENNIAL DE-**  
16 **FENSE REVIEW.**

17 (a) FINDINGS.—Congress makes the following find-  
18 ings:

19 (1) The Quadrennial Defense Review (QDR)  
20 under section 118 of title 10, United States Code,  
21 is vital in laying out the strategic military planning  
22 and threat objectives of the Department of Defense.

23 (2) The Quadrennial Defense Review is critical  
24 to identifying the correct mix of military planning  
25 assumptions, defense capabilities, and strategic fo-  
26 cuses for the Armed Forces of the United States.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that—

3 (1) the Quadrennial Defense Review is intended  
4 to provide more than an overview of global threats  
5 and the general strategic orientation of the Depart-  
6 ment of Defense;

7 (2) the Quadrennial Defense Review should in-  
8 clude strategic planning guidance and specific capa-  
9 bilities, including the military platforms needed to  
10 achieve the strategic and warfighting objectives iden-  
11 tified in the Review, and do so in a risk-based  
12 framework;

13 (3) the development of each Quadrennial De-  
14 fense Review would benefit from an official assess-  
15 ment, by a so-called “red team”, of Quadrennial De-  
16 fense Review assumptions, planning guidelines, capa-  
17 bility recommendations, and realism, and from hav-  
18 ing that team brief Congress on the results of its as-  
19 sessment;

20 (4) the recommendations of the Quadrennial  
21 Defense Review should not be constrained by budget  
22 considerations; and

23 (5) the risk assessment prepared by the Chair-  
24 man of the Joint Chiefs to accompany the Quadren-  
25 nial Defense Review should be comprehensive and

1       should include a description of the capabilities need-  
2       ed to address the risks identified in that assessment.

3   **TITLE XI—DEPARTMENT OF DE-**  
4       **FENSE CIVILIAN PERSONNEL**  
5       **POLICY**

6   **SEC. 1101. ACCRUAL OF ANNUAL LEAVE FOR MEMBERS OF**  
7               **THE UNIFORMED SERVICES ON TERMINAL**  
8               **LEAVE PERFORMING DUAL EMPLOYMENT.**

9       Section 5534a of title 5, United States Code, is  
10   amended by adding at the end the following new sentence:  
11   “Such a member is also entitled to accrue annual leave  
12   with pay in the manner specified in section 6303(a) of this  
13   title for a retired member of the uniformed services.”.

14   **SEC. 1102. STRATEGY FOR IMPROVING THE SENIOR MAN-**  
15               **AGEMENT, FUNCTIONAL, AND TECHNICAL**  
16               **WORKFORCE OF THE DEPARTMENT OF DE-**  
17               **FENSE.**

18       (a) INCLUSION IN 2007 STRATEGIC HUMAN CAPITAL  
19   PLAN.—The Secretary of Defense shall include in the  
20   March 1, 2007, Strategic Human Capital Plan required  
21   by section 1122(c) of the National Defense Authorization  
22   Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.  
23   3453; 10 U.S.C. prec. 1580 note) a strategic plan to shape  
24   and improve the senior management, functional, and tech-

1 nical workforce (including scientists and engineers) of the  
2 Department of Defense.

3 (b) SCOPE OF PLAN.—The strategic plan required by  
4 subsection (a) shall cover, at a minimum, the following  
5 categories of Department of Defense civilian personnel:

6 (1) Appointees in the senior executive service  
7 under section 3131 of title 5, United States Code.

8 (2) Persons serving in positions described in  
9 section 5376(a) of title 5, United States Code.

10 (3) Highly qualified experts appointed pursuant  
11 to section 9903 of title 5, United States Code.

12 (4) Scientists and engineers appointed pursuant  
13 to section 342(b) of the National Defense Authoriza-  
14 tion Act for Fiscal Year 1995 (Public Law 103–337;  
15 108 Stat. 2721), as amended by section 1114 of the  
16 Floyd D. Spence National Defense Authorization  
17 Act for Fiscal Year 2001 (as enacted into by law by  
18 Public Law 106–398 (114 Stat. 1654A–315)).

19 (5) Scientists and engineers appointed pursuant  
20 to section 1101 of the Strom Thurmond National  
21 Defense Authorization Act for Fiscal Year 1999 (5  
22 U.S.C. 3104 note).

23 (6) Persons serving in the Defense Intelligence  
24 Senior Executive Service under section 1606 of title  
25 10, United States Code.

1           (7) Persons serving in Intelligence Senior Level  
2       positions under section 1607 of title 10, United  
3       States Code.

4       (c) CONTENTS OF PLAN.—The strategic plan re-  
5       quired by subsection (a) shall include—

6           (1) an assessment of—

7                (A) the needs of the Department of De-  
8       fense for senior management, functional, and  
9       technical personnel (including scientists and en-  
10      gineers) in light of recent trends and projected  
11      changes in the mission and organization of the  
12      Department and in light of staff support needed  
13      to accomplish that mission;

14              (B) the capability of the existing civilian  
15      employee workforce of the Department to meet  
16      requirements relating to the mission of the De-  
17      partment, including the impact on that capa-  
18      bility of projected trends in the senior manage-  
19      ment, functional, and technical personnel work-  
20      force of the Department based on expected  
21      losses due to retirement and other attrition; and

22              (C) gaps in the existing or projected civil-  
23      ian employee workforce of the Department that  
24      should be addressed to ensure that the Depart-  
25      ment has continued access to the senior man-

1           agement, functional, and technical personnel  
2           (including scientists and engineers) it needs;  
3           and

4           (2) a plan of action for developing and reshap-  
5           ing the senior management, functional, and technical  
6           workforce of the Department to address the gaps  
7           identified under paragraph (1)(C), including—

8                   (A) any legislative or administrative action  
9                   that may be needed to adjust the requirements  
10                  applicable to any category of civilian personnel  
11                  identified in subsection (b) or to establish a new  
12                  category of senior management or technical per-  
13                  sonnel;

14                  (B) any changes in the number of per-  
15                  sonnel authorized in any category of personnel  
16                  identified in subsection (b) that may be needed  
17                  to address such gaps and effectively meet the  
18                  needs of the Department;

19                  (C) any changes in the rates or methods of  
20                  pay for any category of personnel identified in  
21                  subsection (b) that may be needed to address  
22                  inequities and ensure that the Department has  
23                  full access to appropriately qualified personnel  
24                  to address such gaps and meet the needs of the  
25                  Department;



1 (D) specific recruiting and retention goals,  
2 including the program objectives of the Depart-  
3 ment to be achieved through such goals;

4 (E) specific strategies for development,  
5 training, deploying, compensating, motivating,  
6 and designing career paths and career opportu-  
7 nities for the senior management, functional,  
8 and technical workforce of the Department, in-  
9 cluding the program objectives of the Depart-  
10 ment to be achieved through such strategies;  
11 and

12 (F) specific steps that the Department has  
13 taken or plans to take to ensure that the senior  
14 management, functional, and technical work-  
15 force of the Department is managed in compli-  
16 ance with the requirements of section 129 of  
17 title 10, United States Code.

18 **SEC. 1103. AUTHORITY TO EQUALIZE ALLOWANCES, BENE-**  
19 **FITS, AND GRATUITIES OF PERSONNEL ON**  
20 **OFFICIAL DUTY IN IRAQ AND AFGHANISTAN.**

21 (a) FINDINGS.—Congress makes the following find-  
22 ings:

23 (1) As part of the United States effort to bring  
24 democracy and freedom to Iraq and Afghanistan,  
25 employees of a broad range of Federal agencies are

1       needed to serve in those countries, furnishing exper-  
2       tise to their counterpart agencies in the Government  
3       of Iraq and the Government of Afghanistan.

4           (2) While the heads of a number of Federal  
5       agencies already possess authority to provide to their  
6       personnel on official duty abroad allowances, bene-  
7       fits, and death gratuities comparable to those pro-  
8       vided by the Secretary of State to similarly-situated  
9       Foreign Service personnel on official duty abroad,  
10      other agency heads do not possess such authority.

11          (3) In order to assist the United States Govern-  
12      ment in recruiting personnel to serve in Iraq and Af-  
13      ghanistan, and to avoid inequities in allowances,  
14      benefits, and death gratuities among similarly-situ-  
15      ated United States Government civilian personnel on  
16      official duty in these countries, it is essential that  
17      the heads of all agencies that have personnel on offi-  
18      cial duty in Iraq and Afghanistan have the same  
19      basic authority with respect to allowances, benefits,  
20      and death gratuities for such personnel.

21          (b) IN GENERAL.—During any fiscal year, the head  
22      of an agency may, in the agency head's discretion, provide  
23      to an individual employed by, or assigned or detailed to,  
24      such agency allowances, benefits, and gratuities com-  
25      parable to those provided by the Secretary of State to

1 members of the Foreign Service under section 413 and  
 2 chapter 9 of title I of the Foreign Service Act of 1980  
 3 (22 U.S.C. 3973; 4081 et seq.), if such individual is on  
 4 official duty in Iraq or Afghanistan.

5 (c) CONSTRUCTION.—Nothing in this section shall be  
 6 construed to impair or otherwise affect the authority of  
 7 the head of an agency under any other provision of law.

## 8 **TITLE XII—MATTERS RELATING** 9 **TO OTHER NATIONS**

### 10 **Subtitle A—General Matters**

#### 11 **SEC. 1201. EXPANSION OF HUMANITARIAN AND CIVIC AS-** 12 **SISTANCE TO INCLUDE COMMUNICATIONS** 13 **AND INFORMATION CAPACITY.**

14 Section 401 of title 10, United States Code, as  
 15 amended—

16 (1) in subsection (c)—

17 (A) by redesignating paragraphs (2), (3),  
 18 and (4) as paragraphs (3), (4), and (5), respec-  
 19 tively;

20 (B) by inserting after paragraph (1) end  
 21 the following new paragraph (2):

22 “(2) Expenses covered by paragraph (1) include com-  
 23 munications or information systems equipment or supplies  
 24 incurred in providing assistance described in subsection  
 25 (e)(4).”; and

1 (C) in paragraph (4), as redesignated by  
 2 subparagraph (A) of this paragraph, by striking  
 3 “paragraph (2)(B)” and inserting “paragraph  
 4 (3)(B)”; and  
 5 (2) in subsection (e)(4), by inserting before the  
 6 period the following: “, including information and  
 7 communications technology facilities”.

8 **SEC. 1202. MODIFICATION OF AUTHORITIES RELATING TO**  
 9 **THE REGIONAL DEFENSE**  
 10 **COUNTERTERRORISM FELLOWSHIP PRO-**  
 11 **GRAM.**

12 (a) REDESIGNATION OF PROGRAM AS REGIONAL DE-  
 13 FENSE COMBATTING TERRORISM FELLOWSHIP PRO-  
 14 GRAM.—Section 2249c of title 10, United States Code, is  
 15 amended in subsections (a) and (c)(3), by striking  
 16 “Counterterrorism” and inserting “Combating Ter-  
 17 rorism”.

18 (b) AVAILABILITY OF FUNDS.—

19 (1) IN GENERAL.—Subsection (a) of such sec-  
 20 tion is further amended by striking “the attendance”  
 21 and all that follows through “military educational in-  
 22 stitutions” and inserting “the education and training  
 23 of foreign military officers and other foreign officials  
 24 at military or civilian educational institutions”.

1           (2) INCREASE IN AMOUNT AVAILABLE.—Sub-  
 2       section (b) of such section is amended by striking  
 3       “\$20,000,000” and inserting “\$25,000,000”.

4           (3) AVAILABILITY OF AMOUNTS ACROSS FISCAL  
 5       YEARS.—Subsection (b) of such section is further  
 6       amended by adding at the end the following new  
 7       sentence: “Amounts available under the authority in  
 8       subsection (a) for a fiscal year may be used for pro-  
 9       grams that begin in such fiscal year but end in the  
 10      next fiscal year.”.

11       (c) CONFORMING AND CLERICAL AMENDMENTS.—

12           (1) CONFORMING AMENDMENT.—The heading  
 13      of such section is amended to read as follows:

14   **“§ 2249c. Authority to use appropriated funds for**  
 15               **education and training of foreign visitors**  
 16               **under Regional Defense Combatting Ter-**  
 17               **rorism Fellowship Program”.**

18           (2) CLERICAL AMENDMENT.—The table of sec-  
 19      tions at the beginning of subchapter I of chapter  
 20      134 of such title is amended by striking the item re-  
 21      lating to section 2249c and insert the following new  
 22      item:

“2249c. Authority to use appropriated funds for education and training of for-  
 eign visitors under Regional Defense Combatting Terrorism  
 Fellowship Program.”.

1 **SEC. 1203. LOGISTIC SUPPORT OF ALLIED FORCES FOR**  
2 **COMBINED OPERATIONS.**

3 (a) **AUTHORITY TO USE FUNDS TO PROVIDE SUP-**  
4 **PORT.—**

5 (1) **IN GENERAL.**—Subchapter I of chapter 134  
6 of title 10, United States Code, is amended by in-  
7 serting after section 2249c the following new section:

8 **“§ 2249d. Authority to use appropriated funds for lo-**  
9 **gistic support of allied forces for com-**  
10 **bined operations**

11 **“(a) AUTHORITY TO USE FUNDS.**—Subject to sub-  
12 sections (b) and (c), funds appropriated to the Depart-  
13 ment of Defense for operation and maintenance may be  
14 used by the Secretary of Defense, with the concurrence  
15 of the Secretary of State, to provide logistic support, sup-  
16 plies, and services to allied forces participating in com-  
17 bined operations with the armed forces of the United  
18 States.

19 **“(b) LIMITATION RELATING TO COMBINED OPER-**  
20 **ATIONS.**—The authority in subsection (a) to provide logis-  
21 tic support, supplies, and services may be exercised only—

22 **“(1)** with respect to combined operations during  
23 a period of active hostilities, a contingency oper-  
24 ation, or a noncombat operation (including an oper-  
25 ation in support of the provision of humanitarian or  
26 foreign disaster assistance, country stabilization op-

1        erations, or peacekeeping operations under chapter  
2        VI or VII of the Charter of the United Nations);  
3        and

4            “(2) in circumstances in which the Secretary of  
5        Defense determines that the allied forces to be pro-  
6        vided such logistic support, supplies, and services—

7            “(A) are essential to the success of such  
8        combined operations; and

9            “(B) would not be able to participate in  
10       such combined operations but for the provision  
11       of such logistic support, supplies, and services.

12       “(c) LIMITATIONS RELATING TO AMOUNT.—(1) Ex-  
13       cept as provided in paragraph (2), the amount of logistic  
14       support, supplies, and services provided under subsection  
15       (a) in any fiscal year may not exceed \$100,000,000.

16       “(2) In any fiscal year, in addition to any logistic  
17       support, supplies, and services provided under subsection  
18       (a) that are covered by paragraph (1), logistic support,  
19       supplies, and services in the amount of \$5,000,000 may  
20       be provided under that subsection if such support, sup-  
21       plies, and services are solely for purposes of enhancing the  
22       interoperability of the logistical support systems of allied  
23       forces with the logistical support systems of the armed  
24       forces of the United States in order to facilitate combined  
25       operations.

1       “(d) ANNUAL REPORT.—Not later than December 31  
 2 each year, the Secretary of Defense, in coordination with  
 3 the Secretary of State, shall submit to the appropriate  
 4 committees of Congress a report on the use of the author-  
 5 ity in subsection (a) during the preceding fiscal year. Each  
 6 report shall include, for the fiscal year covered by such  
 7 report, the following:

8               “(1) Each nation provided logistic support, sup-  
 9 plies, and services.

10              “(2) For each such nation, a description of the  
 11 type and value of logistic support, supplies, and  
 12 services so provided.

13       “(e) DEFINITIONS.—In this section:

14              “(1) The term ‘appropriate committees of Con-  
 15 gress’ means—

16                   “(A) the Committees on Armed Services  
 17 and Foreign Relations of the Senate; and

18                   “(B) the Committees on Armed Services  
 19 and International Relations of the House of  
 20 Representatives.

21              “(2) The term ‘logistic support, supplies, and  
 22 services’ has the meaning given such term in section  
 23 2350(1) of this title and includes sealift.”.

24              (2) CLERICAL AMENDMENT.—The table of sec-  
 25 tions at the beginning of subchapter I of such chap-



1       ter is amended by inserting after the item relating  
 2       to section 2249c the following new item:

“2249d. Authority to use appropriated funds for logistic support of allied forces  
 for combined operations.”.

3       (b) **EFFECTIVE DATE.**—The amendments made by  
 4 this section shall take effect on October 1, 2006, and shall  
 5 apply with respect to fiscal years beginning on or after  
 6 that date.

7       **SEC. 1204. EXCLUSION OF PETROLEUM, OIL, AND LUBRI-**  
 8                               **CANTS FROM LIMITATIONS ON AMOUNT OF**  
 9                               **LIABILITIES THE UNITED STATES MAY AC-**  
 10                              **CRUE UNDER ACQUISITION AND CROSS-**  
 11                              **SERVICING AGREEMENTS.**

12       (a) **EXCLUSION.**—Section 2347 of title 10, United  
 13 States Code, is amended by adding at the end the fol-  
 14 lowing new subsection:

15       “(d) The limitations in this section on the amount  
 16 of reimbursable liabilities or reimbursable credits that the  
 17 United States may accrue under this subchapter shall not  
 18 apply with respect to the sale, purchase, or exchange of  
 19 petroleum, oils, or lubricants.”.

20       (b) **CONFORMING AMENDMENTS.**—Paragraphs (1)  
 21 and (2) of subsection (a) of such section are each amended  
 22 by striking “(other than petroleum, oils, and lubricants)”.

1 **SEC. 1205. TEMPORARY AUTHORITY TO USE ACQUISITION**  
2 **AND CROSS-SERVICING AGREEMENTS TO**  
3 **LOAN SIGNIFICANT MILITARY EQUIPMENT**  
4 **TO FOREIGN FORCES IN IRAQ AND AFGHANI-**  
5 **STAN FOR PERSONNEL PROTECTION AND**  
6 **SURVIVABILITY.**

7 (a) AUTHORITY.—

8 (1) IN GENERAL.—Subject to paragraphs (2)  
9 and (3), the Secretary of Defense may treat signifi-  
10 cant military equipment as logistic support, supplies,  
11 and services under subchapter I of chapter 138 of  
12 title 10, United States Code, for purposes of pro-  
13 viding for the use of such equipment by military  
14 forces of nations participating in combined oper-  
15 ations with United States Forces in Iraq and Af-  
16 ghanistan if the Secretary, with the concurrence of  
17 the Secretary of State, determines in writing that it  
18 is in the national security interests of the United  
19 States to provide for the use of such equipment in  
20 such manner.

21 (2) LIMITATION ON DURATION OF PROVI-  
22 SION.—Equipment may be used by foreign military  
23 forces under this subsection for not longer than one  
24 year.

25 (3) LIMITATION ON USE.—Equipment may be  
26 used by foreign military forces under this subsection

1 solely for personnel protection or to aid in the per-  
2 sonnel survivability of such forces.

3 (b) SEMIANNUAL REPORTS.—

4 (1) REPORTS REQUIRED.—The Secretary of  
5 Defense shall, in coordination with the Secretary of  
6 State, submit to the appropriate committees of Con-  
7 gress a report on the exercise of the authority in  
8 subsection (a) as follows:

9 (A) If the authority is exercised during the  
10 first six-month period of a fiscal year, not later  
11 than 30 days after such period.

12 (B) If the authority is exercised during the  
13 second six-month period of a fiscal year, not  
14 later than 30 days after such period.

15 (2) ELEMENTS.—Each report under paragraph  
16 (1) shall include, for each exercise of authority  
17 under subsection (a) during the period covered by  
18 such report, the following:

19 (A) A copy of the written determination  
20 under subsection (a) with respect to the exer-  
21 cise of such authority.

22 (B) A statement of each recipient of equip-  
23 ment under the exercise of such authority.

24 (C) A description of the type, quantity,  
25 and value of the equipment supplied to each

1           such recipient, and a description of the terms  
2           and duration of the supply of the equipment to  
3           such recipient.

4           (c) CONSTRUCTION WITH LIMITATIONS ON TRANS-  
5   FER OF MILITARY EQUIPMENT.—The provision of signifi-  
6   cant military equipment for use under this section shall  
7   be subject to the provisions of the Arms Export Control  
8   Act (22 U.S.C. 2751 et seq.) and of any other export con-  
9   trol regime under law relating to the transfer of military  
10   technology to foreign nations.

11          (d) DEFINITIONS.—In this section:

12               (1) The term “appropriate committees of Con-  
13               gress” means—

14                       (A) the Committees on Armed Services  
15                       and Foreign Relations of the Senate; and

16                       (B) the Committees on Armed Services  
17                       and International Relations of the House of  
18                       Representatives.

19               (2) The term “significant military equipment”  
20               means items designated as significant military  
21               equipment on the United States Munitions List  
22               under section 38(a)(1) of the Arms Export Control  
23               Act (22 U.S.C. 2778(a)(1)).

24           (e) EXPIRATION.—The authority in subsection (a)  
25   shall expire on September 30, 2008.

1 **SEC. 1206. MODIFICATION OF AUTHORITIES RELATING TO**  
2 **THE BUILDING OF THE CAPACITY OF FOR-**  
3 **EIGN MILITARY FORCES.**

4 (a) FUNDS AVAILABLE FOR PRESIDENTIAL PRO-  
5 GRAM.—Subsection (c) of section 1206 of the National  
6 Defense Authorization Act for Fiscal Year 2006 (Public  
7 Law 109–163; 119 Stat. 3456) is amended by striking  
8 “defense-wide”.

9 (b) LIMITED AUTHORITY TO RESPOND TO UNAN-  
10 TICIPATED CHANGES IN SECURITY ENVIRONMENT.—Such  
11 section is further amended—

12 (1) by redesignating subsections (f) and (g) as  
13 subsections (h) and (i), respectively; and

14 (2) by inserting after subsection (e) the fol-  
15 lowing new subsection (f):

16 “(f) COMBATANT COMMANDER AUTHORITY TO RE-  
17 SPOND TO UNANTICIPATED CHANGES IN SECURITY ENVI-  
18 RONMENT.—

19 “(1) IN GENERAL.—During fiscal years 2007  
20 and 2008, the Secretary of Defense may, with the  
21 concurrence of the Secretary of State, authorize any  
22 commander of a geographic combatant command to  
23 respond to unanticipated changes in a security envi-  
24 ronment within the area of responsibility of such  
25 commander by conducting a program to build the  
26 capacity of the national military forces of a country

1 within such area of responsibility in order for such  
2 country to—

3 “(A) conduct counterterrorist operations;

4 or

5 “(B) participate in or support military and  
6 stability operations.

7 “(2) REQUIRED ELEMENTS.—Any program  
8 under paragraph (1) shall include elements that pro-  
9 mote—

10 “(A) observance of and respect for human  
11 rights and fundamental freedoms; and

12 “(B) respect for legitimate civilian author-  
13 ity within the country concerned.

14 “(3) AUTHORIZED ELEMENTS.—Any program  
15 under paragraph (1) may include the provision of  
16 equipment, supplies, and training.

17 “(4) ANNUAL FUNDING LIMITATION.—The Sec-  
18 retary of Defense may make available, from funds  
19 available for operation and maintenance for fiscal  
20 year 2007 or 2008, not to exceed \$200,000,000 to  
21 conduct activities under paragraph (1) in such fiscal  
22 year. Of the amount so made available for a fiscal  
23 year, not more than \$50,000,000 may be available  
24 for any commander of a particular geographic com-  
25 batant command in such fiscal year. Amounts avail-

1       able under this paragraph are in addition to any  
2       other amounts available to the commanders of the  
3       geographic combatant commands, including amounts  
4       in the Combatant Commanders Initiative Fund.

5           “(5) ASSISTANCE OTHERWISE PROHIBITED BY  
6       LAW.—The commander of a geographic combatant  
7       command may not use the authority in paragraph  
8       (1) to provide any type of assistance described in  
9       paragraphs (2) and (3) that is otherwise prohibited  
10      by any provision of law.

11          “(6) LIMITATION ON ELIGIBLE COUNTRIES.—  
12      The commander of a geographic combatant com-  
13      mand may not use the authority in paragraph (1) to  
14      provide any type of assistance described in para-  
15      graphs (2) and (3) to any foreign country that is  
16      otherwise prohibited from receiving such type of as-  
17      sistance under any other provision of law.

18          “(7) FORMULATION AND EXECUTION OF PRO-  
19      GRAMS.—The Secretary of Defense shall prescribe  
20      guidance for programs authorized by paragraph (1).  
21      Such guidance shall include requirements for the  
22      commanders of the geographic combatant commands  
23      to—

24           “(A) formulate any program under para-  
25           graph (1) for a country jointly with the United

1 States ambassador or chief of mission to such  
2 country; and

3 “(B) coordinate with the United States  
4 ambassador or chief of mission to a country in  
5 implementing any program under paragraph (1)  
6 for such country.

7 “(8) CONGRESSIONAL NOTIFICATION.—Not less  
8 than 15 days after the initiation of activities in a  
9 country under a program under paragraph (1), the  
10 Secretary of Defense, in coordination with the Sec-  
11 retary of State, shall submit to the congressional  
12 committees specified in subsection (e)(3) a notice of  
13 the following:

14 “(A) The country being assisted in the  
15 building of the capacity of its military forces  
16 under the program.

17 “(B) The budget, implementation timeline  
18 with milestones, and completion date for the  
19 program.

20 “(C) The source and planned expenditure  
21 of funds to complete the program.”.

22 (c) LIMITED AUTHORITY TO MEET UNANTICIPATED  
23 HUMANITARIAN RELIEF OR RECONSTRUCTION REQUIRE-  
24 MENTS.—Such section is further amended by inserting



1 after subsection (f), as added by subsection (b)(2) of this  
2 section, the following new subsection (g):

3 “(g) COMBATANT COMMANDER AUTHORITY TO  
4 MEET UNANTICIPATED HUMANITARIAN RELIEF OR RE-  
5 CONSTRUCTION REQUIREMENTS.—

6 “(1) IN GENERAL.—During fiscal years 2007  
7 and 2008, the Secretary of Defense may authorize  
8 any commander of a geographic combatant com-  
9 mand to provide the assistance described in para-  
10 graph (2) to respond to urgent and unanticipated  
11 humanitarian relief or reconstruction requirements  
12 in a foreign country within the area of responsibility  
13 of the commander of the geographic combatant com-  
14 mand if the commander of the geographic combatant  
15 command determines that the provision of such as-  
16 sistance will promote the security interests of the  
17 United States and the country to which such assist-  
18 ance will be provided. Such assistance may be pro-  
19 vided without regard to any provision of chapter  
20 137, 140, or 141 of title 10, United States Code, or  
21 any other provision of law that would prohibit, re-  
22 strict, or limit the provision of such assistance.

23 “(2) TYPES OF ASSISTANCE.—The assistance  
24 that may be provided under paragraph (1) includes  
25 the following:

1           “(A) Construction, reconstruction, or re-  
2           pair of municipal, educational, cultural, or other  
3           local facilities.

4           “(B) Reconstitution or improvement of  
5           utilities or other local infrastructure.

6           “(C) Provision of any other goods or serv-  
7           ices necessary to respond to urgent and unan-  
8           ticipated humanitarian relief or reconstruction  
9           requirements.

10          “(3) PROHIBITION ON ASSISTANCE IN CERTAIN  
11          COUNTRIES.—Assistance may not be provided under  
12          paragraph (1) in Iraq or Afghanistan.

13          “(4) ANNUAL FUNDING LIMITATION.—From  
14          funds available for operation and maintenance for  
15          fiscal year 2007 or 2008, not more than \$200,000  
16          may be available to the commander of a geographic  
17          combatant command to conduct activities under  
18          paragraph (1) in any particular country in such fis-  
19          cal year. Amounts available under this paragraph  
20          are in addition to any other amounts available to the  
21          commanders of the geographic combatant com-  
22          mands, including amounts in the Combatant Com-  
23          manders Initiative Fund.

24          “(5) CONSTRUCTION OF AUTHORITY.—The au-  
25          thority and funds available to the commanders of

1 the geographic combatant commands under this sub-  
2 section are in addition to any other authorities and  
3 funds available to the commanders of the geographic  
4 combatant commands.

5 “(6) GUIDANCE ON PROVISION OF ASSIST-  
6 ANCE.—(A) No funds may be obligated or expended  
7 for the provision of assistance under paragraph (1)  
8 until the Secretary of Defense prescribes guidance  
9 on the provision of assistance under that paragraph.

10 “(B) The guidance under this paragraph shall  
11 include a requirement that any assistance provided  
12 under paragraph (1) in a particular country be pro-  
13 vided only with the concurrence of the United States  
14 ambassador or chief of mission to that country.

15 “(C) Not later than 30 days after the issuance  
16 of the guidance under this paragraph, the Secretary  
17 shall submit to the congressional defense committees  
18 a report setting forth such guidance.

19 “(D) Not later than 30 days after issuing any  
20 modification to the guidance under this paragraph,  
21 the Secretary shall submit to the congressional de-  
22 fense committees a report on such modification.

23 “(7) REPORT.—Not later than November 1 of  
24 2007 and 2008, the Secretary of Defense shall sub-  
25 mit to the congressional defense committees a report

1 on the provision of assistance under paragraph (1)  
2 during the preceding fiscal year. Each report shall  
3 include, for the fiscal year covered by such report,  
4 the following:

5 “(A) The source of funds utilized to pro-  
6 vide assistance under paragraph (1) during  
7 such fiscal year.

8 “(B) Each country in which assistance was  
9 so provided.

10 “(C) For each country so provided assist-  
11 ance, the type and amount of assistance pro-  
12 vided.”.

13 (d) TERMINATION OF AUTHORITY.—Subsection (i) of  
14 such section, as redesignated by subsection (b)(1) of this  
15 section, is further amended to read as follows:

16 “(i) TERMINATION.—

17 “(1) TERMINATION OF PRESIDENTIAL PRO-  
18 GRAM.—The authority of the President under sub-  
19 section (a) to direct the Secretary of Defense to con-  
20 duct a program terminates at the close of September  
21 30, 2008. Any program directed before that date  
22 may be completed, but only using funds available for  
23 fiscal year 2006, 2007, or 2008.

24 “(2) TERMINATION OF COMBATANT COM-  
25 MANDER AUTHORITIES.—The authority of the com-

1 manders of the geographic combatant commands to  
2 carry out programs under subsection (f), and to pro-  
3 vide assistance under subsection (g), terminates at  
4 the close of September 30, 2008. Any program or  
5 assistance commenced before that date may be com-  
6 pleted, but only using funds available for fiscal year  
7 2007 or 2008.”.

8 **SEC. 1207. PARTICIPATION OF THE DEPARTMENT OF DE-**  
9 **FENSE IN MULTINATIONAL MILITARY CEN-**  
10 **TERS OF EXCELLENCE.**

11 (a) PARTICIPATION AUTHORIZED.—During fiscal  
12 year 2007, the Secretary of Defense may, with the concur-  
13 rence of the Secretary of State, authorize the participation  
14 of the Department of Defense, and of members of the  
15 armed forces and civilian personnel of the Department, in  
16 multinational military centers of excellence hosted by any  
17 nation or combination of nations referred to in subsection  
18 (b) for purposes of—

- 19 (1) enhancing the ability of military forces and  
20 civilian personnel of the nations participating in  
21 such centers to engage in joint exercises or coalition  
22 or international military operations; or  
23 (2) improving interoperability between the  
24 Armed Forces of the United States and the military  
25 forces of friendly foreign nations.

1 (b) COVERED NATIONS.—The nations referred to in  
2 this section are as follows:

3 (1) The United States.

4 (2) Any member nation of the North Atlantic  
5 Treaty Organization (NATO).

6 (3) Any major non-NATO ally.

7 (4) Any other friendly foreign nation identified  
8 by the Secretary of Defense, with the concurrence of  
9 the Secretary of State, for purposes of this section.

10 (c) MEMORANDUM OF UNDERSTANDING.—The par-  
11 ticipation of the Department of Defense, or of members  
12 of the armed forces or civilian personnel of the Depart-  
13 ment, in a multinational military center of excellence  
14 under subsection (a) shall be governed by the terms of  
15 one or more memoranda of understanding entered into by  
16 the Secretary of Defense, with the concurrence of the Sec-  
17 retary of State, and the foreign nation or nations con-  
18 cerned.

19 (d) AVAILABILITY OF APPROPRIATED FUNDS.—(1)  
20 Funds appropriated to the Department of Defense for op-  
21 eration and maintenance are available as follows:

22 (A) To pay the United States share of the ex-  
23 penses of any multinational military center of excel-  
24 lence in which the United States participates under  
25 this section.

1           (B) To pay the costs of the participation of the  
2       Department of Defense, and of members of the  
3       armed forces and civilian personnel of the Depart-  
4       ment, in multinational military centers of excellence  
5       under this section, including the costs of pay, sala-  
6       ries, and expenses of such members and personnel in  
7       participating in such centers.

8       (2) The amount available under paragraph (1) in fis-  
9       cal year 2007 for the expenses and costs referred to in  
10      that paragraph may not exceed \$3,000,000.

11      (e) USE OF DEPARTMENT OF DEFENSE FACILITIES  
12      AND EQUIPMENT.—(1) Facilities and equipment of the  
13      Department of Defense may be used for purposes of the  
14      support of multinational military centers of excellence  
15      under this section that are hosted by the Department.

16      (2) The use of facilities and equipment for support  
17      of a multinational military center of excellence under para-  
18      graph (1) may, at the election of the Secretary of Defense,  
19      be with or without reimbursement by other nations partici-  
20      pating in the center.

21      (f) REPORT ON USE OF AUTHORITY.—

22           (1) REPORT REQUIRED.—Not later than Octo-  
23      ber 31, 2007, the Secretary of Defense shall submit  
24      to the congressional defense committees a report on

1 the use of the authority in this section during fiscal  
2 year 2007.

3 (2) ELEMENTS.—The report required by para-  
4 graph (1) shall include the following:

5 (A) A detailed description of the participa-  
6 tion of the Department of Defense, and of  
7 members of the Armed Forces and civilian per-  
8 sonnel of the Department, in multinational mili-  
9 tary centers of excellence under the authority of  
10 this section during fiscal year 2007.

11 (B) For each multinational military center  
12 of excellence in which the Department of De-  
13 fense, or members of the Armed Forces or civil-  
14 ian personnel of the Department, so partici-  
15 pated—

16 (i) a description of such multinational  
17 military center of excellence;

18 (ii) a description of the activities par-  
19 ticipated in by the Department, or by  
20 members of the Armed Forces or civilian  
21 personnel of the Department; and

22 (iii) a statement of the costs of the  
23 Department for such participation, includ-  
24 ing—



1 (I) a statement of the United  
 2 States share of the expenses of such  
 3 center, and a statement of the per-  
 4 centage of the United States share of  
 5 the expenses of such center to the  
 6 total expenses of such center; and

7 (II) a statement of the amount of  
 8 such costs (including a separate state-  
 9 ment of the amount of costs paid for  
 10 under the authority of this section by  
 11 category of costs).

12 (g) DEFINITIONS.—In this section:

13 (1) The term “multinational military center of  
 14 excellence” means an entity sponsored by one or  
 15 more nations that is accredited and approved by the  
 16 North Atlantic Treaty Organization military com-  
 17 mittee as offering recognized expertise and experi-  
 18 ence to personnel participating in the activities of  
 19 such entity for the benefit of the North Atlantic  
 20 Treaty Organization by providing such personnel op-  
 21 portunities to—

22 (A) enhance education and training;

23 (B) improve interoperability and capabili-  
 24 ties;

1 (C) assist in the development of doctrine;  
 2 and

3 (D) validate concepts through experimen-  
 4 tation.

5 (2) The term “major non-NATO ally” means a  
 6 country (other than a member nation of the North  
 7 Atlantic Treaty Organization) that is designated as  
 8 a major non-NATO ally for purposes of this section  
 9 by the Secretary of Defense with the concurrence of  
 10 the Secretary of State.

11 **SEC. 1208. DISTRIBUTION OF EDUCATION AND TRAINING**  
 12 **MATERIALS AND INFORMATION TECH-**  
 13 **NOLOGY TO ENHANCE INTEROPERABILITY.**

14 (a) DISTRIBUTION AUTHORIZED.—In furtherance of  
 15 the national security objectives of the United States and  
 16 to improve interoperability between the Armed Forces of  
 17 the United States and military forces of friendly foreign  
 18 countries, the Secretary of Defense may—

19 (1) provide to the personnel referred to in sub-  
 20 section (b) electronically-distributed learning content  
 21 for the education and training of such personnel for  
 22 the development and enhancement of allied and  
 23 friendly military capabilities for multinational oper-  
 24 ations, including joint exercises and coalition oper-  
 25 ations; and

1           (2) provide information technology, including  
2       computer software developed for such purpose, to  
3       support the use of such learning content for the edu-  
4       cation and training of such personnel.

5       (b) PERSONNEL.—The personnel to which learning  
6       content and information technology may be provided  
7       under subsection (a) are as follows:

8           (1) Military and civilian personnel of friendly  
9       foreign governments.

10          (2) Personnel of internationally-recognized non-  
11       governmental organizations.

12       (c) EDUCATION AND TRAINING.—The education and  
13       training provided under subsection (a) shall include the  
14       following:

15           (1) Internet based education and training.

16           (2) Advanced distributed learning and similar  
17       Internet learning tools, as well as distributed train-  
18       ing and computer assisted exercises.

19       (d) INFORMATION TECHNOLOGY.—In providing in-  
20       formation technology under subsection (a)(2), the Sec-  
21       retary of Defense may only expend funds for the develop-  
22       ment and provision of information technology and learning  
23       content necessary to support the provision of education  
24       and training authorized by this section.

1       (e) SECRETARY OF STATE CONCURRENCE IN CER-  
2 TAIN ACTIVITIES.—In the case of any activity proposed  
3 to be undertaken under the authority in this section that  
4 is not authorized by another provision of law, the Sec-  
5 retary of Defense may not undertake such activity without  
6 the concurrence of the Secretary of State.

7       (f) CONSTRUCTION WITH OTHER AUTHORITY.—

8           (1) SUPPLEMENTAL AUTHORITY.—The author-  
9 ity in this section is in addition to any other author-  
10 ity available to the Secretary of Defense to provide  
11 assistance to foreign nations or military forces.

12          (2) LIMITATION.—The provision of learning  
13 content and information technology under the au-  
14 thority in this section shall be subject to the provi-  
15 sions of the Arms Export Control Act (22 U.S.C.  
16 2751 et seq.) and any other export control regime  
17 under law relating to the transfer of military tech-  
18 nology to foreign nations.

19       (g) GUIDANCE.—

20           (1) GUIDANCE REQUIRED.—The Secretary of  
21 Defense shall develop and issue guidance on the pro-  
22 cedures for the use of the authority in this section.

23           (2) SUBMITTAL TO CONGRESS.—Not later than  
24 30 days after issuing the guidance required by para-  
25 graph (1), the Secretary shall submit to the congres-

1        sional defense committees a report setting forth such  
2        guidance.

3            (3) MODIFICATION.—In the event the Secretary  
4        modifies the guidance required by paragraph (1), the  
5        Secretary shall submit to the congressional defense  
6        committees a report setting forth the modified guid-  
7        ance not later than 30 days after the date of such  
8        modification.

9        (h) ANNUAL REPORT.—

10           (1) REPORT REQUIRED.—Not later than Octo-  
11        ber 31 of 2007 and 2008, the Secretary of Defense  
12        shall submit to the congressional defense committees  
13        a report on the exercise of the authority in this sec-  
14        tion during the preceding fiscal year.

15           (2) ELEMENTS.—The report under paragraph  
16        (1) shall include, for the fiscal year covered by such  
17        report, the following:

18                (A) A statement of the recipients of learn-  
19        ing content and information technology pro-  
20        vided under this section.

21                (B) A description of the type, quantity,  
22        and value of the learning content and informa-  
23        tion technology provided under this section.

24        (i) TERMINATION.—The authority in this section  
25        shall expire on September 30, 2008.

## **Subtitle B—Report Matters**

**SEC. 1221. REPORT ON INCREASED ROLE AND PARTICIPATION OF MULTINATIONAL PARTNERS IN THE UNITED NATIONS COMMAND IN THE REPUBLIC OF KOREA.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate committees of Congress a report on an increased role and participation of multinational partners in the United Nations Command in the Republic of Korea.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A list of the nations that are current members of the United Nations Command in the Republic of Korea, and a detailed description of the role and participation of each such member nation in the responsibilities and activities of the United Nations Command.

(2) A detailed description of efforts being undertaken by the United States to encourage enhanced participation in the responsibilities and activities of the United Nations Command in the Republic of Korea by such member nations.

1           (3) A discussion of whether and how members  
2           of the United Nations Command in the Republic of  
3           Korea might be persuaded to deploy military forces  
4           in peacetime to the Republic of Korea to bolster the  
5           deterrence mission of the United Nations Command.

6           (4) An assessment of how the military and po-  
7           litical requirements for United States military forces  
8           in the Republic of Korea might be affected were  
9           multinational partners in the United Nations Com-  
10          mand in the Republic of Korea to increase their con-  
11          tribution of military forces stationed in the Republic  
12          of Korea.

13          (5) An assessment of whether and how the con-  
14          tribution of additional military forces to the United  
15          Nations Command in the Republic of Korea by a  
16          multinational partner might affect that partner's ap-  
17          proach to facilitating a diplomatic resolution of the  
18          nuclear challenge posed by the Democratic Peoples  
19          Republic of Korea.

20          (c) FORM.—The report required by subsection (a)  
21          shall be submitted in unclassified form, but may include  
22          a classified annex.

23          (d) APPROPRIATE COMMITTEES OF CONGRESS DE-  
24          FINED.—In this section, the term “appropriate commit-  
25          tees of Congress” means—

1           (1) the Committees on Armed Services and  
2 Foreign Relations of the Senate; and

3           (2) the Committees on Armed Services and  
4 International Relations of the House of Representa-  
5 tives.

6 **SEC. 1222. REPORT ON INTERAGENCY OPERATING PROCE-**  
7 **DURES FOR STABILIZATION AND RECON-**  
8 **STRUCTION OPERATIONS.**

9       (a) SENSE OF CONGRESS.—It is the sense of Con-  
10 gress that—

11           (1) the United States Government should bring  
12 to bear all elements of national power to achieve its  
13 national security objectives, including stabilization  
14 and reconstruction operations;

15           (2) civilian agencies of the United States Gov-  
16 ernment lack the capacity to deploy rapidly, and for  
17 sustained periods of time, trained personnel to sup-  
18 port stabilization and reconstruction operations in  
19 the field;

20           (3) civilian agencies of the United States Gov-  
21 ernment should expand their capacity to plan, co-  
22 ordinate, and conduct stabilization and reconstruc-  
23 tion operations, including their capacity to deploy ci-  
24 vilians with relevant expertise to participate in sus-  
25 tained stability and reconstruction operations;



1           (4) National Security Presidential Directive 44,  
2           entitled “Management of Interagency Efforts Con-  
3           cerning Reconstruction and Stabilization”, is a posi-  
4           tive step toward improving coordination, planning,  
5           and implementation by the United States Govern-  
6           ment of reconstruction and stabilization assistance  
7           for foreign states and regions at risk of, in, or in  
8           transition from conflict or civil strife;

9           (5) all the relevant United States Government  
10          agencies should include in their budget requests for  
11          future fiscal years adequate funding for planning  
12          and preparing to support contingency operations  
13          and, as necessary, request emergency supplemental  
14          funds for unanticipated contingency operations; and

15          (6) the President should provide clear guidance  
16          to United States Government agencies to manage  
17          complex operations and establish a standard, inte-  
18          grated approach to the planning and conduct of  
19          interagency operations to ensure a coherent and uni-  
20          fied United States Government approach to contin-  
21          gency operations.

22          (b) REPORT.—Not later than six months after the  
23          date of the enactment of this Act, the President shall sub-  
24          mit to Congress a report setting forth a plan to establish  
25          interagency operating procedures for the departments and

1 agencies of the United States Government for the plan-  
2 ning and conduct of stabilization and reconstruction oper-  
3 ations.

4 (c) PLAN ELEMENTS.—The plan required under the  
5 report under subsection (b) shall include the following:

6 (1) A delineation of the roles, responsibilities,  
7 and authorities of the departments and agencies of  
8 the United States Government for stabilization and  
9 reconstruction operations.

10 (2) A description of operational processes for  
11 setting policy direction for stabilization and recon-  
12 struction operations in order to guide—

13 (A) operational planning and funding deci-  
14 sions of such departments and agencies;

15 (B) oversight of policy implementation;

16 (C) integration of programs and activities  
17 into an implementation plan;

18 (D) integration of civilian and military  
19 planning efforts;

20 (E) provision of guidance to field-level per-  
21 sonnel on program direction and priorities; and

22 (F) monitoring of field implementation of  
23 assistance programs.

24 (3) A description of available capabilities and  
25 resources of each department and agency of the

1 United States Government that could be used in  
2 support of stabilization and reconstruction oper-  
3 ations, and an identification of additional resources  
4 needed to support the conduct of stabilization and  
5 reconstruction activities.

6 (4) A description of how the capabilities and re-  
7 sources of the departments and agencies of the  
8 United States Government under stabilization and  
9 reconstruction operations will be coordinated.

10 (5) A description of existing, or planned, proto-  
11 cols between departments and agencies of the United  
12 States Government on the utilization and allocation  
13 of assets in field operations under stabilization and  
14 reconstruction operations.

15 (6) Recommendations for improving interagency  
16 training, education, and simulation exercises in  
17 order to adequately prepare civilian and military  
18 personnel in the departments and agencies of the  
19 United States Government to perform stabilization  
20 and reconstruction operations.

21 (7) A discussion of the statutory and budgetary  
22 impediments, if any, that prevent civilian agencies of  
23 the United States Government from fully and effec-  
24 tively participating in stabilization and reconstruc-  
25 tion operations, and recommendations for legislative

1 or administration actions to enhance the ability of  
 2 the United States Government to conduct stabiliza-  
 3 tion and reconstruction operations.

4 (8) Guidance for the implementation of the  
 5 plan.

6 **TITLE XIII—COOPERATIVE**  
 7 **THREAT REDUCTION WITH**  
 8 **STATES OF THE FORMER SO-**  
 9 **VIET UNION**

10 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**  
 11 **DUCTION PROGRAMS AND FUNDS.**

12 (a) SPECIFICATION OF CTR PROGRAMS.—For pur-  
 13 poses of section 301 and other provisions of this Act, Co-  
 14 operative Threat Reduction programs are the programs  
 15 specified in section 1501(b) of the National Defense Au-  
 16 thorization Act for Fiscal Year 1997 (Public Law 104–  
 17 201; 110 Stat. 2731; 50 U.S.C. 2362 note).

18 (b) FISCAL YEAR 2007 COOPERATIVE THREAT RE-  
 19 Duction FUNDS DEFINED.—As used in this title, the  
 20 term “fiscal year 2007 Cooperative Threat Reduction  
 21 funds” means the funds appropriated pursuant to the au-  
 22 thorization of appropriations in section 301 for Coopera-  
 23 tive Threat Reduction programs.

24 (c) AVAILABILITY OF FUNDS.—Funds appropriated  
 25 pursuant to the authorization of appropriations in section

1 301 for Cooperative Threat Reduction programs shall be  
2 available for obligation for three fiscal years.

3 **SEC. 1302. FUNDING ALLOCATIONS.**

4 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the  
5 \$372,128,000 authorized to be appropriated to the De-  
6 partment of Defense for fiscal year 2007 in section  
7 301(19) for Cooperative Threat Reduction programs, the  
8 following amounts may be obligated for the purposes spec-  
9 ified:

10 (1) For strategic offensive arms elimination in  
11 Russia, \$77,000,000.

12 (2) For nuclear weapons storage security in  
13 Russia, \$87,100,000.

14 (3) For nuclear weapons transportation security  
15 in Russia, \$33,000,000.

16 (4) For weapons of mass destruction prolifera-  
17 tion prevention in the states of the former Soviet  
18 Union, \$37,500,000.

19 (5) For biological weapons proliferation preven-  
20 tion in the former Soviet Union, \$68,400,000.

21 (6) For chemical weapons destruction in Rus-  
22 sia, \$42,700,000.

23 (7) For defense and military contacts,  
24 \$8,000,000.

1           (8) For activities designated as Other Assess-  
2           ments/Administrative Support, \$18,500,000.

3           (b) REPORT ON OBLIGATION OR EXPENDITURE OF  
4 FUNDS FOR OTHER PURPOSES.—No fiscal year 2007 Co-  
5 operative Threat Reduction funds may be obligated or ex-  
6 pended for a purpose other than a purpose listed in para-  
7 graphs (1) through (8) of subsection (a) until 30 days  
8 after the date that the Secretary of Defense submits to  
9 Congress a report on the purpose for which the funds will  
10 be obligated or expended and the amount of funds to be  
11 obligated or expended. Nothing in the preceding sentence  
12 shall be construed as authorizing the obligation or expend-  
13 iture of fiscal year 2007 Cooperative Threat Reduction  
14 funds for a purpose for which the obligation or expendi-  
15 ture of such funds is specifically prohibited under this title  
16 or any other provision of law.

17          (c) LIMITED AUTHORITY TO VARY INDIVIDUAL  
18 AMOUNTS.—

19           (1) AUTHORITY.—Subject to paragraphs (2)  
20           and (3), in any case in which the Secretary of De-  
21           fense determines that it is necessary to do so in the  
22           national interest, the Secretary may obligate  
23           amounts appropriated for fiscal year 2007 for a pur-  
24           pose listed in any of the paragraphs in subsection

1 (a) in excess of the specific amount authorized for  
2 that purpose.

3 (2) NOTICE AND WAIT.—An obligation of funds  
4 for a purpose stated in any of the paragraphs in  
5 subsection (a) in excess of the specific amount au-  
6 thorized for such purpose may be made using the  
7 authority provided in paragraph (1) only after—

8 (A) the Secretary submits to Congress no-  
9 tification of the intent to do so together with a  
10 complete discussion of the justification for  
11 doing so; and

12 (B) 15 days have elapsed following the  
13 date of the notification.

14 (3) LIMITATION.—The Secretary may not,  
15 under the authority provided in paragraph (1), obli-  
16 gate amounts for a purpose stated in any of para-  
17 graphs (6) through (8) of subsection (a) in excess of  
18 125 percent of the specific amount authorized for  
19 such purpose.

20 **SEC. 1303. EXTENSION OF TEMPORARY AUTHORITY TO**  
21 **WAIVE LIMITATION ON FUNDING FOR CHEM-**  
22 **ICAL WEAPONS DESTRUCTION FACILITY IN**  
23 **RUSSIA.**

24 Section 1303(b) of the Ronald W. Reagan National  
25 Defense Authorization Act for Fiscal Year 2005 (Public

1 Law 108–375; 118 Stat. 2094; 22 U.S.C. 5952 note) is  
2 amended by striking “December 31, 2006, and no waiver  
3 shall remain in effect after that date” and inserting “De-  
4 cember 31, 2011”.

5 **TITLE XIV—AUTHORIZATION**  
6 **FOR INCREASED COSTS DUE**  
7 **TO OPERATION IRAQI FREE-**  
8 **DOM AND OPERATION EN-**  
9 **DURING FREEDOM**

10 **SEC. 1401. PURPOSE.**

11 The purpose of this title is to authorize anticipated  
12 future emergency supplemental appropriations for the De-  
13 partment of Defense for fiscal year 2007 to provide funds  
14 for additional costs due to Operation Iraqi Freedom and  
15 Operation Enduring Freedom.

16 **SEC. 1402. ARMY PROCUREMENT.**

17 Funds are hereby authorized to be appropriated for  
18 fiscal year 2007 for procurement accounts of the Army  
19 in amounts as follows:

20 (1) For aircraft, \$404,100,000.

21 (2) For missile procurement, \$450,000,000.

22 (3) For weapons and tracked combat vehicles,  
23 \$214,400,000.

24 (4) For other procurement, \$686,600,000.



1   **SEC. 1403. MARINE CORPS PROCUREMENT.**

2       Funds are hereby authorized to be appropriated for  
3   fiscal year 2007 for the procurement account for the Ma-  
4   rine Corps in the amount of \$319,800,000.

5   **SEC. 1404. AIR FORCE PROCUREMENT.**

6       Funds are hereby authorized to be appropriated for  
7   fiscal year 2007 for the aircraft procurement account for  
8   the Air Force in the amount of \$51,800,000.

9   **SEC. 1405. OPERATION AND MAINTENANCE.**

10      Funds are hereby authorized to be appropriated for  
11   fiscal year 2007 for the use of the Armed Forces for ex-  
12   penses, not otherwise provided for, for operation and  
13   maintenance, in amounts as follows:

14           (1) For the Army, \$22,124,466,000.

15           (2) For the Navy, \$2,349,560,000.

16           (3) For the Marine Corps, \$1,544,920,000.

17           (4) For the Air Force, \$2,779,898,000.

18           (5)       For       Defense-wide       activities,  
19       \$3,388,402,000.

20           (6)   For   the   Army   National   Guard,  
21       \$59,000,000.

22   **SEC. 1406. DEFENSE HEALTH PROGRAM.**

23      Funds are hereby authorized to be appropriated for  
24   the Department of Defense for fiscal year 2007 for ex-  
25   penses, not otherwise provided for, for the Defense Health

1 Program in the amount of \$960,200,000 for operation and  
2 maintenance.

3 **SEC. 1407. MILITARY PERSONNEL.**

4 There is hereby authorized to be appropriated to the  
5 Department of Defense for fiscal year 2007 for military  
6 personnel accounts a total of \$7,335,872,000.

7 **SEC. 1408. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**  
8 **FUND.**

9 There is hereby authorized to be appropriated to the  
10 Department of Defense for fiscal year for the Joint Impro-  
11 vised Explosive Device Defeat Fund a total of  
12 \$2,100,000,000.

13 **SEC. 1409. CLASSIFIED PROGRAMS.**

14 There is hereby authorized to be appropriated to the  
15 Department of Defense for fiscal year 2007 for classified  
16 programs a total of \$3,000,000,000.

17 **SEC. 1410. IRAQ FREEDOM FUND.**

18 (a) IN GENERAL.—Funds are hereby authorized to  
19 be appropriated for fiscal year 2007 for the Iraq Freedom  
20 Fund in the amount of \$2,230,982,000.

21 (b) TRANSFER.—

22 (1) TRANSFER AUTHORIZED.—Subject to para-  
23 graph (2), amounts authorized to be appropriated by  
24 subsection (a) may be transferred from the Iraq  
25 Freedom Fund to any accounts as follows:

1 (A) Operation and maintenance accounts  
2 of the Armed Forces.

3 (B) Military personnel accounts.

4 (C) Research, development, test, and eval-  
5 uation accounts of the Department of Defense.

6 (D) Procurement accounts of the Depart-  
7 ment of Defense.

8 (E) Accounts providing funding for classi-  
9 fied programs.

10 (F) The operating expenses account of the  
11 Coast Guard.

12 (2) NOTICE TO CONGRESS.—A transfer may not  
13 be made under the authority in paragraph (1) until  
14 five days after the date on which the Secretary of  
15 Defense notifies the congressional defense commit-  
16 tees in writing of the transfer.

17 (3) TREATMENT OF TRANSFERRED FUNDS.—  
18 Amounts transferred to an account under the au-  
19 thority in paragraph (1) shall be merged with  
20 amounts in such account and shall be made available  
21 for the same purposes, and subject to the same con-  
22 ditions and limitations, as amounts in such account.

23 (4) EFFECT ON AUTHORIZATION AMOUNTS.—A  
24 transfer of an amount to an account under the au-  
25 thority in paragraph (1) shall be deemed to increase

1 the amount authorized for such account by an  
2 amount equal to the amount transferred.

3 **SEC. 1411. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

4 The amounts authorized to be appropriated by this  
5 title are in addition to amounts otherwise authorized to  
6 be appropriated by this Act.

7 **SEC. 1412. TRANSFER AUTHORITY.**

8 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

9 (1) **AUTHORITY.**—Upon determination by the  
10 Secretary of Defense that such action is necessary in  
11 the national interest, the Secretary may transfer  
12 amounts of authorizations made available to the De-  
13 partment of Defense in this title for fiscal year 2007  
14 between any such authorizations for that fiscal year  
15 (or any subdivisions thereof). Amounts of authoriza-  
16 tions so transferred shall be merged with and be  
17 available for the same purposes as the authorization  
18 to which transferred.

19 (2) **LIMITATION.**—The total amount of author-  
20 izations that the Secretary may transfer under the  
21 authority of this section may not exceed  
22 \$2,500,000,000. The transfer authority provided in  
23 this section is in addition to any other transfer au-  
24 thority available to the Secretary of Defense.

1 (b) LIMITATIONS.—The authority provided by this  
2 section to transfer authorizations—

3 (1) may only be used to provide authority for  
4 items that have a higher priority than the items  
5 from which authority is transferred;

6 (2) may not be used to provide authority for an  
7 item that has been denied authorization by Con-  
8 gress; and

9 (3) may not be combined with the authority  
10 under section 1001.

11 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
12 transfer made from one account to another under the au-  
13 thority of this section shall be deemed to increase the  
14 amount authorized for the account to which the amount  
15 is transferred by an amount equal to the amount trans-  
16 ferred.

17 (d) NOTICE TO CONGRESS.—A transfer may be made  
18 under the authority of this section only after the Secretary  
19 of Defense—

20 (1) consults with the chairmen and ranking  
21 members of the congressional defense committees  
22 with respect to the proposed transfer; and

23 (2) after such consultation, notifies those com-  
24 mittees in writing of the proposed transfer not less  
25 than five days before the transfer is made.

**SEC. 1413. AVAILABILITY OF FUNDS.**

Funds in this title shall be made available for obligation to the Army, Navy, Marine Corps, Air Force, and Defense-wide components by the end of the second quarter of fiscal year 2007.

**DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

**SEC. 2001. SHORT TITLE.**

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2007”.

**TITLE XXI—ARMY**

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

State	Installation or Location	Amount
Alabama .....	Redstone Arsenal .....	\$20,000,000
Alaska .....	Fort Richardson .....	\$72,300,000
	Fort Wainwright .....	\$8,800,000
California .....	Fort Irwin .....	\$10,000,000
Colorado .....	Fort Carson .....	\$24,000,000
Georgia .....	Fort Gillem .....	\$15,000,000
	Fort Stewart/Hunter Army Air Field.	\$95,300,000

**Army: Inside the United States—Continued**

State	Installation or Location	Amount
Hawaii .....	Schofield Barracks .....	\$54,500,000
Kansas .....	Fort Leavenworth .....	\$15,000,000
	Fort Riley .....	\$47,400,000
Kentucky .....	Blue Grass Army Depot .....	\$3,500,000
	Fort Campbell .....	\$127,200,000
Louisiana .....	Fort Polk .....	\$9,800,000
Maryland .....	Aberdeen Proving Ground .....	\$8,800,000
Michigan .....	Detroit Arsenal .....	\$18,500,000
Missouri .....	Fort Leonard Wood .....	\$23,900,000
New York .....	Fort Drum .....	\$209,200,000
North Carolina .....	Fort Bragg .....	\$96,900,000
	Sunny Point (Military Ocean Terminal).	\$46,000,000
Oklahoma .....	McAlester Army Ammunition Plant.	\$3,050,000
Pennsylvania .....	Letterkenny Depot .....	\$7,500,000
Texas .....	Fort Hood .....	\$75,000,000
	Red River Depot .....	\$6,000,000
Utah .....	Dugway Proving Ground .....	\$14,400,000
Virginia .....	Fort Belvoir .....	\$58,000,000
Washington .....	Fort Lewis .....	\$502,600,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2104(a)(2), the Secretary of the Army  
4 may acquire real property and carry out military construc-  
5 tion projects for the installations or locations outside the  
6 United States, and in the amounts, set forth in the fol-  
7 lowing table:

**Army: Outside the United States**

Country	Installation or Location	Amount
Germany .....	Grafenwoehr .....	\$157,632,000
	Vilseck .....	\$19,000,000
Italy .....	Vicenza .....	\$223,000,000
Japan .....	Camp Hansen .....	\$7,150,000
Korea .....	Camp Humphreys .....	\$77,000,000
	Yongpyong .....	\$7,400,000
Romania .....	Babadag Range .....	\$34,800,000

**8 SEC. 2102. FAMILY HOUSING.**

9 (a) CONSTRUCTION AND ACQUISITION.—Using  
10 amounts appropriated pursuant to the authorization of ap-

1 appropriations in section 2104(a)(5)(A), the Secretary of the  
 2 Army may construct or acquire family housing units (in-  
 3 cluding land acquisition and supporting facilities) at the  
 4 installations or locations, for the purposes, and in the  
 5 amounts set forth in the following table:

**Army: Family Housing**

State	Installation or Location	Purpose	Amount
Alaska .....	Fort Richardson .....	162 Units ....	\$70,000,000
	Fort Wainwright .....	234 Units ....	\$132,000,000
Arizona .....	Fort Huachuca .....	119 Units ....	\$32,000,000
Arkansas .....	Pine Bluff Arsenal .....	10 Units .....	\$2,900,000
Wisconsin .....	Fort McCoy .....	13 Units .....	\$4,900,000

6 (b) PLANNING AND DESIGN.—Using amounts appro-  
 7 priated pursuant to the authorization of appropriations in  
 8 section 2104(a)(5)(A), the Secretary of the Army may  
 9 carry out architectural and engineering services and con-  
 10 struction design activities with respect to the construction  
 11 or improvement of family housing units in an amount not  
 12 to exceed \$16,332,000.

13 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
 14 **UNITS.**

15 Subject to section 2825 of title 10, United States  
 16 Code, and using amounts appropriated pursuant to the  
 17 authorization of appropriations in section 2104(a)(5)(A),  
 18 the Secretary of the Army may improve existing military  
 19 family housing units in an amount not to exceed  
 20 \$336,859,000.



1 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
3 are hereby authorized to be appropriated for fiscal years  
4 beginning after September 30, 2006, for military con-  
5 struction, land acquisition, and military family housing  
6 functions of the Department of the Army in the total  
7 amount of \$3,452,581,000 as follows:

8 (1) For military construction projects inside the  
9 United States authorized by section 2101(a),  
10 \$1,266,650,000.

11 (2) For military construction projects outside  
12 the United States authorized by section 2101(b),  
13 \$525,982,000.

14 (3) For unspecified minor military construction  
15 projects authorized by section 2805 of title 10,  
16 United States Code, \$23,000,000.

17 (4) For architectural and engineering services  
18 and construction design under section 2807 of title  
19 10, United States Code, \$217,629,000.

20 (5) For military family housing functions:

21 (A) For construction and acquisition, plan-  
22 ning and design, and improvement of military  
23 family housing and facilities, \$594,991,000.

24 (B) For support of military family housing  
25 (including the functions described in section

1           2833 of title 10, United States Code),  
2           \$676,829,000.

3           (6) For the construction of increment 2 of a  
4           barracks complex at Fort Drum, New York, author-  
5           ized by section 2101(a) of the Military Construction  
6           Authorization Act for fiscal year 2006 (division B of  
7           Public Law 109–163; 119 Stat. 3485), \$16,500,000.

8           (7) For the construction of increment 2 of a  
9           barracks complex for divisional artillery at Fort  
10          Bragg, North Carolina, authorized by section  
11          2101(a) of the Military Construction Authorization  
12          Act for fiscal year 2006 (division B of Public Law  
13          109–163; 119 Stat. 3485), \$37,000,000.

14          (8) For the construction of increment 2 of a  
15          barracks complex for the 3rd Brigade at Fort  
16          Bragg, North Carolina, authorized by section  
17          2101(a) of the Military Construction Authorization  
18          Act for Fiscal Year 2006 (division B of Public Law  
19          109–163; 119 Stat. 3485), \$50,000,000.

20          (9) For the construction of increment 2 of a  
21          barracks complex for the 2nd Brigade at Fort  
22          Bragg, North Carolina, authorized by section  
23          2101(a) of the Military Construction Authorization  
24          Act for Fiscal Year 2006 (division B of Public Law  
25          109–163; 119 Stat. 3485), \$31,000,000.

1           (10) For the construction of phase 2 of the De-  
2       fense Access Road at Fort Belvoir, Virginia, author-  
3       ized by section 2101(a) of the Military Construction  
4       Authorization Act for Fiscal Year 2006 (division B  
5       of Public Law 109–163; 119 Stat. 3486),  
6       \$13,000,000.

7       (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
8       PROJECTS.—Notwithstanding the cost variations author-  
9       ized by section 2853 of title 10, United States Code, and  
10      any other cost variation authorized by law, the total cost  
11      of all projects carried out under section 2101 of this Act  
12      may not exceed the sum of the following:

13           (1) The total amount authorized to be appro-  
14      priated under paragraphs (1) and (2) of subsection  
15      (a).

16           (2) \$306,000,000 (the balance of the amount  
17      authorized under section 2101(a) for construction of  
18      a brigade complex for Fort Lewis, Washington).

19           (3) \$40,400,000 (the balance of the amount au-  
20      thorized under section 2101(a) of the Military Con-  
21      struction Authorization Act for Fiscal Year 2005  
22      (division B of Public Law 108–375; 118 Stat. 2101)  
23      for construction of a barracks complex for divisional  
24      artillery for Fort Bragg, North Carolina).

# TITLE XXII—NAVY

## SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Navy: Inside the United States**

State	Installation or Location	Amount
Arizona .....	Marine Corps Air Station, Yuma .....	\$5,966,000
California .....	Marine Corps Air Station, Camp Pendleton.	\$6,412,000
	Marine Corps Base, Camp Pendleton ....	\$106,142,000
	Marine Corps Air Station, Miramar .....	\$2,968,000
	Naval Air Station, North Island .....	\$21,535,000
	Marine Corps Base, Twentynine Palms	\$8,217,000
Connecticut .....	Naval Submarine Base, New London ....	\$9,580,000
Florida .....	Cape Canaveral .....	\$9,900,000
	Naval Station, Pensacola .....	\$13,486,000
Georgia .....	Marine Corps Logistics Base, Albany ....	\$62,000,000
	Navy Submarine Base, Kings Bay .....	\$20,282,000
Hawaii .....	Naval Base, Pearl Harbor .....	\$48,338,000
	Naval Shipyard, Pearl Harbor .....	\$22,000,000
Indiana .....	Naval Support Activity, Crane .....	\$6,730,000
Maine .....	Portsmouth Naval Shipyard .....	\$9,650,000
Maryland .....	Naval Air Station, Patuxent River .....	\$16,316,000
	Naval Support Activity, Suitland .....	\$67,939,000
Mississippi .....	Naval Air Station, Meridian .....	\$5,870,000
Nevada .....	Naval Air Station, Fallon .....	\$7,730,000
North Carolina .....	Marine Corps Air Station, New River ....	\$27,300,000
	Marine Corps Base, Camp Lejeune .....	\$160,904,000
Rhode Island .....	Naval Station, Newport .....	\$3,410,000
South Carolina .....	Marine Corps Air Station, Beaufort .....	\$14,970,000
Virginia .....	Marine Corps Base, Quantico .....	\$30,628,000
	Naval Special Weapons Center, Dahlgren.	\$9,850,000
	Naval Shipyard, Norfolk .....	\$34,952,000
	Naval Station, Norfolk .....	\$12,062,000
	Naval Support Activity, Norfolk .....	\$38,962,000
Washington .....	Naval Air Station, Whidbey Island .....	\$67,303,000
	Naval Submarine Base, Bangor .....	\$13,507,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

**Navy: Outside the United States**

Country	Installation or Location	Amount
Diego Garcia .....	Diego Garcia .....	\$37,473,000
Italy .....	Naval Air Station, Sigonella .....	\$13,051,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

**Navy: Unspecified Worldwide**

Location	Installation or Location	Amount
Various Locations .....	Helicopter Support Facility .....	\$12,185,000

**SEC. 2202. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the

1 installations or locations, for the purposes, and in the  
 2 amount set forth in the following table:

**Navy: Family Housing**

State	Installation or Location	Purpose	Amount
California .....	Marine Corps Logistics Base, Barstow .....	74 Units .....	\$27,851,000
Guam .....	Naval Base, Guam .....	176 Units ....	\$98,174,000

3 (b) PLANNING AND DESIGN.—Using amounts appro-  
 4 priated pursuant to the authorization of appropriations in  
 5 section 2204(a)(6)(A), the Secretary of the Navy may  
 6 carry out architectural and engineering services and con-  
 7 struction design activities with respect to the construction  
 8 or improvement of family housing units in an amount not  
 9 to exceed \$2,600,000.

10 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
 11 **UNITS.**

12 Subject to section 2825 of title 10, United States  
 13 Code, and using amounts appropriated pursuant to the  
 14 authorization of appropriations in section 2204(a)(6)(A),  
 15 the Secretary of the Navy may improve existing military  
 16 family housing units in an amount not to exceed  
 17 \$176,446,000.

18 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
 20 are hereby authorized to be appropriated for fiscal years  
 21 beginning after September 30, 2006, for military con-  
 22 struction, land acquisition, and military family housing

1 functions of the Department of the Navy in the total  
2 amount of \$2,072,435,000, as follows:

3 (1) For military construction projects inside the  
4 United States authorized by section 2201(a),  
5 \$808,750,000.

6 (2) For military construction projects outside  
7 the United States authorized by section 2201(b),  
8 \$50,524,000.

9 (3) For military construction projects at un-  
10 specified worldwide locations authorized by section  
11 2201(c), \$12,185,000.

12 (4) For unspecified minor military construction  
13 projects authorized by section 2805 of title 10,  
14 United States Code, \$8,939,000.

15 (5) For architectural and engineering services  
16 and construction design under section 2807 of title  
17 10, United States Code, \$71,247,000.

18 (6) For military family housing functions:

19 (A) For construction and acquisition, plan-  
20 ning and design, and improvement of military  
21 family housing and facilities, \$305,071,000.

22 (B) For support of military family housing  
23 (including functions described in section 2833  
24 of title 10, United States Code), \$498,525,000.

1           (7) For the construction of increment 2 of a  
2       helicopter hangar replacement at Naval Air Station,  
3       Jacksonville, Florida, authorized by section 2201(a)  
4       of the Military Construction Authorization Act for  
5       Fiscal Year 2006 (division B of Public Law 109–  
6       163; 119 Stat. 3489), \$43,250,000.

7           (8) For the construction of increment 2 of  
8       Alpha and Bravo wharf improvements at Naval  
9       Base, Guam, Marianas Islands, authorized by sec-  
10      tion 2201(b) of the Military Construction Authoriza-  
11      tion Act for Fiscal Year 2006 (division B of Public  
12      Law 109–163; 119 Stat. 3490), \$29,772,000.

13          (9) For the construction of increment 2 of re-  
14      cruit training barracks infrastructure upgrade at  
15      Recruit Training Command, Great Lakes, Illinois,  
16      authorized by section 2201(a) of the Military Con-  
17      struction Authorization Act for Fiscal Year 2006  
18      (division B of Public Law 109–163; 119 Stat.  
19      3490), \$23,589,000.

20          (10) For the construction of increment 2 of the  
21      Wesley Brown Field House at the United States  
22      Naval Academy, Annapolis, Maryland, authorized by  
23      section 2201(a) of the Military Construction Author-  
24      ization Act for Fiscal Year 2006 (division B of Pub-  
25      lic Law 109–163; 119 Stat. 3490), \$26,685,000.



1           (11) For the construction of increment 2 of  
2 wharf upgrades at Naval Station, Yokosuka, Japan,  
3 authorized by section 2201(b) of the Military Con-  
4 struction Authorization Act for Fiscal Year 2006  
5 (division B of Public Law 109–163; 119 Stat.  
6 3490), \$44,360,000.

7           (12) For the construction of increment 2 of the  
8 ship repair pier 3 replacement at Naval Station,  
9 Norfolk, Virginia, authorized by section 2201(a) of  
10 the Military Construction Authorization Act for Fis-  
11 cal Year 2006 (division B of Public Law 109–163;  
12 119 Stat. 3490), \$30,939,000.

13           (13) For the construction of increment 2 of the  
14 Bachelor Enlisted Quarters Homeport Ashore Pro-  
15 gram at Naval Station, Everett, Washington, au-  
16 thorized by section 2201(a) of the Military Construc-  
17 tion Authorization Act for Fiscal Year 2006 (divi-  
18 sion B of Public Law 109–163; 119 Stat.3490),  
19 \$20,917,000.

20           (14) For the construction of phase 2 of the rec-  
21 lamation and conveyance project at Marine Corps  
22 Base, Camp Pendleton, California, authorized by  
23 section 2201(a) of the Military Construction Author-  
24 ization Act for Fiscal Year 2006 (division B of Pub-  
25 lic Law 109–163; 119 Stat. 3489), \$33,290,000.

1           (15) For the construction of increment 3 of the  
2       Navy Outlying Landing Field facilities at Wash-  
3       ington County, North Carolina, authorized for var-  
4       ious locations, continental United States, by section  
5       2201(a) of the Military Construction Authorization  
6       Act for Fiscal Year 2004 (division B of Public Law  
7       108–136; 117 Stat. 1704), \$7,926,000.

8           (16) For the construction of increment 3 of the  
9       limited area production and storage complex at Stra-  
10      tegic Weapons Facility Pacific, Bangor, Washington,  
11      authorized by section 2201(a) of the Military Con-  
12      struction Authorization Act for Fiscal Year 2005  
13      (division B of Public Law 108–375; 118 Stat.  
14      2106), \$14,274,000.

15          (17) For the construction of increment 4 of pier  
16      11 replacement at Naval Station, Norfolk, Virginia,  
17      authorized by section 2201(a) of the Military Con-  
18      struction Authorization Act for Fiscal Year 2004  
19      (division B of Public Law 108–136; 117 Stat.  
20      1704), \$30,633,000.

21          (18) For the construction of increment 2 of an  
22      addition to Hockmuth Hall at Marine Corps Base,  
23      Quantico, Virginia, authorized by section 2201(a) of  
24      the Military Construction Authorization Act for Fis-

1 cal Year 2006 (division B of Public Law 109–163;  
2 119 Stat. 3490), \$11,559,000.

3 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
4 PROJECTS.—Notwithstanding the cost variations author-  
5 ized by section 2853 of title 10, United States Code, and  
6 any other cost variation authorized by law, the total cost  
7 of all projects carried out under section 2201 of this Act  
8 may not exceed the sum of the following:

9 (1) The total amount authorized to be appro-  
10 priated under paragraphs (1), (2), and (3) of sub-  
11 section (a).

12 (2) \$39,874,000 (the balance of the amount au-  
13 thorized under section 2201(a) of the Military Con-  
14 struction Authorization Act for Fiscal Year 2004  
15 (division B of Public Law 108–136; 117 Stat. 1704)  
16 for various locations, continental United States).

17 (3) \$33,951,000 (the balance of the amount au-  
18 thorized under section 2201(a) of the Military Con-  
19 struction Authorization Act for Fiscal Year 2005  
20 (division B of Public Law 108–375; 118 Stat. 2106)  
21 for construction of a limited area production and  
22 storage complex at Strategic Weapons Facility Pa-  
23 cific, Bangor, Washington).

24 (4) \$22,661,000 (the balance of the amount au-  
25 thorized under section 2201(a) of the Military Con-

1 construction Authorization Act for Fiscal Year 2006  
2 (division B of Public Law 109–163; 119 Stat. 3490)  
3 for infrastructure upgrades at Recruit Training  
4 Command, Great Lakes, Illinois).

5 (5) \$24,740,000 (the balance of the amount au-  
6 thorized under section 2201(b) of the Military Con-  
7 struction Authorization Act for Fiscal Year 2006  
8 (division B of Public Law 109–163; 119 Stat. 3490)  
9 for wharf upgrades at Naval Station, Yokosuka,  
10 Japan.

11 (6) \$56,159,000 (the balance of the amount au-  
12 thorized under section 2201(a) for construction of a  
13 National Maritime Intelligence Center addition at  
14 Suitland, Maryland).

15 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**  
16 **CERTAIN FISCAL YEAR 2006 PROJECTS.**

17 (a) MODIFICATION OF INSIDE THE UNITED STATES  
18 PROJECTS.—The table in section 2201(a) of the Military  
19 Construction Authorization Act for Fiscal Year 2006 (di-  
20 vision B of Public Law 109–163; 119 Stat. 3489) is  
21 amended—

22 (1) in the item related to Marine Corps Base,  
23 Camp Pendleton, California, by striking  
24 “\$90,437,000” in the amount column and inserting  
25 “\$86,006,000”; and

(2) in the item relating to Marine Corps Base, Quantico, Virginia, by striking “\$18,429,000” in the amount column and inserting “\$19,829,000”.

(b) CONFORMING AMENDMENTS.—Section 2204(b) of that Act (119 Stat. 3492) is amended—

(1) in paragraph (2), by striking “\$37,721,000” and inserting “\$33,290,000”; and

(2) in paragraph (7), by striking “\$10,159,000” and inserting “\$11,559,000”.

## **TITLE XXIII—AIR FORCE**

### **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Air Force: Inside the United States**

State	Installation or Location	Amount
Alaska .....	Eielson Air Force Base .....	\$38,300,000
	Elmendorf Air Force Base .....	\$68,100,000
Arizona .....	Davis-Monthan Air Force Base .....	\$4,600,000
California .....	Beale Air Force Base .....	\$28,000,000
	Travis Air Force Base .....	\$85,800,000
Colorado .....	Buckley Air Force Base .....	\$10,700,000
	Schriever Air Force Base .....	\$21,000,000
Delaware .....	Dover Air Force Base .....	\$30,400,000
Florida .....	Eglin Air Force Base .....	\$19,350,000
	Hurlburt Field .....	\$32,950,000
	MacDill Air Force Base .....	\$71,000,000
	Tyndall Air Force Base .....	\$1,800,000
Georgia .....	Robins Air Force Base .....	\$52,600,000

**Air Force: Inside the United States**—Continued

State	Installation or Location	Amount
Hawaii .....	Hickam Air Force Base .....	\$28,538,000
Illinois .....	Scott Air Force Base .....	\$28,200,000
Kentucky .....	Fort Knox .....	\$3,500,000
Maryland .....	Andrews Air Force Base .....	\$29,000,000
Massachusetts .....	Hanscom Air Force Base .....	\$12,400,000
Nevada .....	Indian Springs Air Force Auxiliary Field.	\$49,923,000
	Nellis Air Force Base .....	\$4,800,000
New Jersey .....	McGuire Air Force Base .....	\$15,500,000
New Mexico .....	Kirtland Air Force Base .....	\$11,400,000
North Dakota .....	Minot Air Force Base .....	\$8,000,000
Oklahoma .....	Altus Air Force Base .....	\$9,500,000
	Tinker Air Force Base .....	\$8,100,000
South Carolina .....	Charleston Air Force Base .....	\$10,200,000
	Shaw Air Force Base .....	\$22,200,000
South Dakota .....	Ellsworth Air Force Base .....	\$3,000,000
Texas .....	Fort Bliss .....	\$8,500,000
	Lackland Air Force Base .....	\$13,200,000
Utah .....	Hill Air Force Base .....	\$63,400,000
Virginia .....	Langley Air Force Base .....	\$57,700,000
Wyoming .....	Francis E. Warren Air Force Base ..	\$11,000,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2304(a)(2), the Secretary of the Air Force  
4 may acquire real property and carry out military construc-  
5 tion projects for the installations or locations outside the  
6 United States, and in the amounts, set forth in the fol-  
7 lowing table:

**Air Force: Outside the United States**

Country	Installation or Location	Amount
Germany .....	Ramstein Air Base .....	\$53,150,000
Guam .....	Andersen Air Force Base .....	\$52,800,000
Italy .....	Naval Air Station, Sigonella .....	\$26,000,000
Korea .....	Kunsan Air Base .....	\$46,700,000
	Osan Air Base .....	\$2,156,000

8 (c) UNSPECIFIED WORLDWIDE.—Using the amounts  
9 appropriated pursuant to the authorization of appropria-  
10 tions in section 2304(a)(3), the Secretary of the Air Force  
11 may acquire real property and carry out military construc-

tion projects for unspecified installations or locations in  
the amounts, set forth in the following table:

**Air Force: Unspecified Worldwide**

Location	Installation or Location	Amount
Worldwide Unspecified .....	Common Battlefield Airman Training Complex.	\$14,200,000
Worldwide Classified .....	Classified Project .....	\$3,377,000
	Classified - Special Evaluation Program.	\$4,600,000
	Classified .....	\$1,700,000

**SEC. 2302. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using  
amounts appropriated pursuant to the authorization of ap-  
propriations in section 2304(a)(6)(A), the Secretary of the  
Air Force may construct or acquire family housing units  
(including land acquisition and supporting facilities) at the  
installations or locations, for the purposes, and in the  
amounts, set forth in the following table:

**Air Force: Family Housing**

State	Installation or Location	Purpose	Amount
Alaska .....	Eielson Air Force Base ....	129 Units ....	\$87,414,000
Idaho .....	Mountain Home Air Force Base .....	457 Units ....	\$107,800,000
Missouri .....	Whiteman Air Force Base	116 Units ....	\$39,270,000
Montana .....	Malmstrom Air Force Base	493 Units ....	\$140,252,000
North Carolina .....	Seymour Johnson Air Force Base .....	56 Units .....	\$22,956,000
North Dakota .....	Minot Air Force Base .....	575 Units ....	\$171,188,000
Texas .....	Dyess Air Force Base .....	199 Units ....	\$49,215,000
Germany .....	Ramstein Air Base .....	101 Units ....	\$73,488,000
	Spangdahlem Air Base .....	60 Units .....	\$39,294,000
United Kingdom .....	Royal Air Force Lakenheath.	74 Units .....	\$35,282,000

(b) PLANNING AND DESIGN.—Using amounts appro-  
priated pursuant to the authorization of appropriations in  
section 2304(a)(6)(A), the Secretary of the Air Force may

1 carry out architectural and engineering services and con-  
2 struction design activities with respect to the construction  
3 or improvement of family housing units in an amount not  
4 to exceed \$13,202,000.

5 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
6 **UNITS.**

7 Subject to section 2825 of title 10, United States  
8 Code, and using amounts appropriated pursuant to the  
9 authorization of appropriations in section 2304(a)(6)(A),  
10 the Secretary of the Air Force may improve existing mili-  
11 tary family housing units in an amount not to exceed  
12 \$403,727,000.

13 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
14 **FORCE.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
16 are hereby authorized to be appropriated for fiscal years  
17 beginning after September 30, 2006, for military con-  
18 struction, land acquisition, and military family housing  
19 functions of the Department of the Air Force in the total  
20 amount of \$3,195,485,000, as follows:

21 (1) For military construction projects inside the  
22 United States authorized by section 2301(a),  
23 \$862,661,000.



1           (2) For military construction projects outside  
2           the United States authorized by section 2301(b),  
3           \$180,806,000.

4           (3) For military construction projects at un-  
5           specified worldwide locations authorized by section  
6           2301(c), \$23,877,000.

7           (4) For unspecified minor military construction  
8           projects authorized by section 2805 of title 10,  
9           United States Code, \$15,000,000.

10          (5) For architectural and engineering services  
11          and construction design under section 2807 of title  
12          10, United States Code, \$90,632,000.

13          (6) For military family housing functions:

14                (A) For construction and acquisition, plan-  
15                ning and design, and improvement of military  
16                family housing and facilities, \$1,183,138,000.

17                (B) For support of military family housing  
18                (including the functions described in section  
19                2833 of title 10, United States Code),  
20                \$755,071,000.

21          (7) For the construction of increment 2 of the  
22          C-17 maintenance complex at Elmendorf Air Force  
23          Base, Alaska, authorized by section 2301(a) of the  
24          Military Construction Authorization Act for Fiscal

1 Year 2006 (division B of Public Law 109–163; 119  
2 Stat. 3494), \$30,000,000.

3 (8) For the construction of increment 2 of the  
4 main base runway at Edwards Air Force Base, Cali-  
5 fornia, authorized by section 2301(a) of the Military  
6 Construction Authorization Act for Fiscal Year 2006  
7 (division B of Public Law 109–163; 119 Stat.  
8 3494), \$31,000,000.

9 (9) For the construction of increment 2 of the  
10 CENTCOM Joint Intelligence Center at MacDill Air  
11 Force Base, Florida, authorized by section 2301(a)  
12 of the Military Construction Authorization Act for  
13 Fiscal Year 2006 (division B of Public Law 109–  
14 163; 119 Stat. 3494), \$23,300,000.

15 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
16 PROJECTS.—Notwithstanding the cost variations author-  
17 ized by section 2853 of title 10, United States Code, and  
18 any other cost variation authorized by law, the total cost  
19 of all projects carried out under section 2301 of this Act  
20 may not exceed the sum of the following:

21 (1) The total amount authorized to be appro-  
22 priated under paragraphs (1) (2) and (3) of sub-  
23 section (a).

24 (2) \$35,000,000 (the balance of the amount au-  
25 thorized under section 2301(a) of the Military Con-

1 construction Authorization Act for Fiscal Year 2006  
 2 (division B of Public Law 109–163; 119 Stat. 3494)  
 3 for construction of a main base runway at Edwards  
 4 Air Force Base, California).

5 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT**  
 6 **CERTAIN FISCAL YEAR 2006 PROJECT.**

7 (a) MODIFICATION OF INSIDE THE UNITED STATES  
 8 PROJECT.—The table in section 2301(a) of the Military  
 9 Construction Authorization Act for Fiscal Year 2006 (di-  
 10 vision B of Public Law 109–163; Stat. 119 Stat. 3494)  
 11 is amended in the item relating to MacDill Air Force  
 12 Base, Florida, by striking “\$107,200,000” in the amount  
 13 column and inserting “\$101,500,000”.

14 (b) CONFORMING AMENDMENT.—Section 2304(b)(4)  
 15 of that Act (119 Stat. 3496) is amended by striking  
 16 “\$29,000,000” and inserting “\$23,300,000”.

17 **TITLE XXIV—DEFENSE**  
 18 **AGENCIES**

19 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**  
 20 **TION AND LAND ACQUISITION PROJECTS.**

21 (a) INSIDE THE UNITED STATES.—Using amounts  
 22 appropriated pursuant to the authorization of appropria-  
 23 tions in section 2404(a)(1), the Secretary of Defense may  
 24 acquire real property and carry out military construction  
 25 projects for the installations or locations inside the United

1 States, and in the amounts, set forth in the following ta-  
 2 bles:

**Defense Education Activity**

State	Installation or Location	Amount
Kentucky .....	Fort Knox .....	\$18,108,000

**Defense Logistics Agency**

State	Installation or Location	Amount
Arizona .....	Marine Corps Air Station, Yuma .....	\$8,715,000
California .....	Beale Air Force Base .....	\$9,000,000
Pennsylvania .....	Defense Distribution Depot, New Cumberland	\$8,900,000
Virginia .....	Fort Belvoir .....	\$5,500,000
Washington .....	Naval Air Station, Whidbey Island .....	\$26,000,000

**Special Operations Command**

State	Installation or Location	Amount
California .....	Marine Corps Base, Camp Pendleton .....	\$24,400,000
Colorado .....	Fort Carson .....	\$26,100,000
Florida .....	Hurlburt Field .....	\$14,482,000
	MacDill Air Force Base .....	\$27,300,000
Kentucky .....	Fort Campbell .....	\$24,500,000
North Carolina .....	Fort Bragg .....	\$44,868,000
	Marine Corps Base, Camp Lejeune .....	\$51,600,000
	Pope Air Force Base .....	\$15,276,000
Virginia .....	Naval Air Base, Little Creek .....	\$22,000,000

**TRICARE Management Activity**

State	Installation or Location	Amount
Alaska .....	Fort Richardson .....	\$37,200,000
California .....	Fort Irwin .....	\$6,050,000
Florida .....	Naval Hospital, Jacksonville .....	\$16,000,000
	MacDill Air Force Base .....	\$87,000,000
Hawaii .....	Naval Base, Pearl Harbor .....	\$7,700,000
Illinois .....	Naval Hospital, Great Lakes .....	\$20,000,000
Maryland .....	Fort Detrick .....	\$550,000,000
New York .....	Fort Drum .....	\$9,700,000
Texas .....	Fort Hood .....	\$18,000,000

3 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 4 appropriated pursuant to the authorization of appropria-  
 5 tions in section 2404(a)(2), the Secretary of Defense may  
 6 acquire real property and carry out military construction  
 7 projects for the installations or locations outside the

- 1 United States, and in the amounts, set forth in the fol-  
 2 lowing tables:

**Defense Education Activity**

Country	Installation or Location	Amount
Italy .....	Camp Ederle .....	\$31,460,000
	Vicenza .....	\$15,750,000
Korea .....	Osan Air Base .....	\$4,589,000
Spain .....	Naval Station, Rota .....	\$23,048,000

**Defense Logistics Agency**

Country	Installation or Location	Amount
Japan .....	Okinawa .....	\$5,000,000
Wake Island .....	Wake Island .....	\$2,600,000

**Missile Defense Agency**

Country	Installation or Location	Amount
Kwajalein .....	Kwajalein Atoll .....	\$7,592,000

**Special Operations Command**

Country	Installation or Location	Amount
Qatar .....	Al Udeid Air Base .....	\$44,500,000

**TRICARE Management Activity**

Country	Installation or Location	Amount
Italy .....	Vicenza .....	\$52,000,000

3 **SEC. 2402. FAMILY HOUSING.**

- 4 (a) CONSTRUCTION AND ACQUISITION.—Using  
 5 amounts appropriated pursuant to the authorization of ap-  
 6 propriations in section 2404(a)(9)(A), the Secretary of the  
 7 Defense may construct or acquire family housing units  
 8 (including land acquisition and supporting facilities) at the  
 9 installations or locations, for the purposes, and in the  
 10 amounts set forth in the following table:

**Defense Logistics Agency: Family Housing**

State	Installation or Location	Purpose	Amount
Virginia .....	Defense Supply Center, Richmond .....	25 Units .....	\$7,840,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-  
2 priated pursuant to the authorization of appropriations in  
3 section 2404(a)(9)(A), the Secretary of the Defense may  
4 carry out architectural and engineering services and con-  
5 struction design activities with respect to the construction  
6 or improvement of family housing units in an amount not  
7 to exceed \$484,000.

8 **SEC. 2403. ENERGY CONSERVATION PROJECTS.**

9 Using amounts appropriated pursuant to the author-  
10 ization of appropriations in section 2404(a)(6), the Sec-  
11 retary of Defense may carry out energy conservation  
12 projects under section 2865 of title 10, United States  
13 Code, in the amount of \$60,000,000.

14 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DE-**  
15 **FENSE AGENCIES.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
17 are hereby authorized to be appropriated for fiscal years  
18 beginning after September 30, 2006, for military con-  
19 struction, land acquisition, and military family housing  
20 functions of the Department of Defense (other than the  
21 military departments) in the total amount of  
22 \$7,122,602,000, as follows:

1           (1) For military construction projects inside the  
2       United States authorized by section 2401(a),  
3       \$557,399,000.

4           (2) For military construction projects outside  
5       the United States authorized by section 2401(b),  
6       \$170,789,000.

7           (3) For unspecified minor military construction  
8       projects under section 2805 of title 10, United  
9       States Code, \$21,672,000.

10          (4) For contingency construction projects of the  
11       Secretary of Defense under section 2804 of title 10,  
12       United States Code, \$10,000,000.

13          (5) For architectural and engineering services  
14       and construction design under section 2807 of title  
15       10, United States Code, \$172,150,000.

16          (6) For energy conservation projects authorized  
17       by section 2403, \$60,000,000.

18          (7) For base closure and realignment activities  
19       as authorized by the Defense Base Closure and Re-  
20       alignment Act of 1990 (part A of title XXIX of  
21       Public Law 101–510; 10 U.S.C. 2687 note) and  
22       funded through the Department of Defense Base  
23       Closure Account 1990 established by section 2906 of  
24       such Act, \$191,220,000.

1           (8) For base closure and realignment activities  
2       as authorized by the Defense Base Closure and Re-  
3       alignment Act of 1990 (part A of title XXIX of  
4       Public Law 101–510; 10 U.S.C. 2687 note) and  
5       funded through the Department of Defense Base  
6       Closure Account 2005 established by section 2906A  
7       of such Act, \$5,526,894,000.

8           (9) For military family housing functions:

9               (A) For construction and acquisition, plan-  
10          ning and design, and improvement of military  
11          family housing and facilities, \$8,808,000.

12              (B) For support of military family housing  
13          (including functions described in section 2833  
14          of title 10, United States Code), \$48,506,000.

15              (C) For credit to the Department of De-  
16          fense Family Housing Improvement Fund es-  
17          tablished by section 2883(a)(1) of title 10,  
18          United States Code, \$2,500,000.

19           (10) For the construction of increment 8 of a  
20       munitions demilitarization facility at Pueblo Chem-  
21       ical Activity, Colorado, authorized by section  
22       2401(a) of the Military Construction Authorization  
23       Act for Fiscal Year 1997 (division B of Public Law  
24       104–201; 110 Stat. 2775), as amended by section  
25       2406 of the Military Construction Authorization Act



1 for Fiscal Year 2000 (division B of Public Law 106–  
2 65; 113 Stat. 839), and section 2407 of the Military  
3 Construction Authorization Act for Fiscal Year 2003  
4 (division B of Public Law 107–314; 116 Stat.  
5 2698), \$41,836,000.

6 (11) For the construction of increment 7 of a  
7 munitions demilitarization facility at Blue Grass  
8 Army Depot, Kentucky, authorized by section  
9 2401(a) of the Military Construction Authorization  
10 Act for Fiscal Year 2000 (division B of Public Law  
11 106–65; 113 Stat. 835), as amended by section  
12 2405 of the Military Construction Authorization Act  
13 of 2002 (division B of Public Law 107–107; 115  
14 Stat. 1298), and section 2405 of the Military Con-  
15 struction Authorization Act for Fiscal Year 2003  
16 (division B of Public Law 107–314; 116 Stat.  
17 2698), \$99,157,000.

18 (12) For the construction of increment 2 of a  
19 replacement of a regional security operations center,  
20 Kunia, Hawaii, authorized by section 2401(a) of the  
21 Military Construction Authorization Act for Fiscal  
22 Year 2006 (division B of Public Law 109–163; 119  
23 Stat. 3497), as amended by section 2405(a)(2) of  
24 this Act, \$47,016,000.

1           (13) For the construction of increment 2 of the  
2       classified material conversion facility at Fort Meade,  
3       Maryland, authorized by section 2401(a) of the Mili-  
4       tary Construction Authorization Act for Fiscal Year  
5       2006 (division B of Public Law 109–163; 119 Stat.  
6       3497), \$11,151,000.

7           (14) For the construction of increment 2 of a  
8       replacement of a regional security operations center,  
9       Augusta, Georgia, authorized by section 2401(a) of  
10      the Military Construction Act for Fiscal Year 2006  
11      (division B of Public Law 109–163; 119 Stat.  
12      3497), as amended by section 2405(a)(1) of this  
13      Act, \$107,118,000.

14          (15) For the construction of increment 2 of  
15      construction of an operations building, Menwith Hall  
16      Station, United Kingdom, authorized by section  
17      2401(b) of the Military Construction Act for Fiscal  
18      Year 2006 (division B of Public Law 109–163; 119  
19      Stat. 3498), as amended by section 2405(b)(1) of  
20      this Act, \$46,386,000.

21      (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
22      PROJECTS.—Notwithstanding the cost variations author-  
23      ized by section 2853 of title 10, United States Code, and  
24      any other cost variation authorized by law, the total cost

1 of all projects carried out under section 2401 of this Act  
2 may not exceed the sum of the following:

3 (1) The total amount authorized to be appro-  
4 priated under paragraphs (1), (2), and (3) of sub-  
5 section (a).

6 (2) \$184,752,000 (the balance of the amount  
7 authorized under section 2401(a) of the Military  
8 Construction Authorization Act for Fiscal Year 2006  
9 (division B of Public Law 109–163; 119 Stat. 3497)  
10 for construction of a regional security operations  
11 center, Augusta, Georgia).

12 (3) \$254,508,000 (the balance of the amount  
13 authorized under section 2401(a) of the Military  
14 Construction Authorization Act for Fiscal Year 2006  
15 (division B of Public Law 109–163; 119 Stat. 3497)  
16 for construction of a regional security operations  
17 center, Kunia, Hawaii).

18 (4) \$521,000,000 (the balance of the amount  
19 authorized under section 2401(a) for construction of  
20 a replacement facility, Fort Detrick, Maryland).

21 (5) \$187,120,000 (the balance of the amount  
22 authorized under section 2401(a) of the Military  
23 Construction Authorization Act for Fiscal Year 1997  
24 (division B of Public Law 104–201; 110 Stat.  
25 2775), as amended by section 2406 of the Military

1 Construction Authorization Act for Fiscal Year 2000  
2 (division B of Public Law 106–65; 113 Stat. 839)  
3 and section 2407 of the Military Construction Au-  
4 thorization Act for Fiscal Year 2003 (division B of  
5 Public Law 107–314; 116 Stat. 2698), for construc-  
6 tion of a munitions demilitarization facility at Pueb-  
7 lo Chemical Activity, Colorado).

8 (6) \$134,554,000 (the balance of the amount  
9 authorized under section 2401(a) of the Military  
10 Construction Authorization Act for Fiscal Year 2000  
11 (division B of Public Law 106–65; 113 Stat. 835),  
12 as amended by section 2405 of the Military Con-  
13 struction Authorization Act for Fiscal Year 2002  
14 (division B of Public Law 107–107; 115 Stat. 1298)  
15 and section 2405 of the Military Construction Au-  
16 thorization Act for Fiscal Year 2003 (division B of  
17 Public Law 107–314; 116 Stat. 2698), for construc-  
18 tion of a munitions demilitarization facility at Blue  
19 Grass Army Depot, Kentucky).

20 **SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT**  
21 **CERTAIN FISCAL YEAR 2006 PROJECTS.**

22 (a) MODIFICATION OF INSIDE THE UNITED STATES  
23 PROJECT.—The table relating to the National Security  
24 Agency in section 2401(a) of the Military Construction

1 Authorization Act for Fiscal Year 2006 (division B of  
2 Public Law 109–163; 119 Stat. 3497) is amended—

3 (1) in the item relating to Augusta, Georgia, by  
4 striking “\$61,466,000” in the amount column and  
5 inserting “\$340,836,000”; and

6 (2) in the item relating to Kunia, Hawaii, by  
7 striking “\$305,000,000” in the amount column and  
8 inserting “\$350,490,000”.

9 (b) MODIFICATION OF OUTSIDE THE UNITED  
10 STATES PROJECT.—The table relating to the National Se-  
11 curity Agency in section 2401(b) of the Military Construc-  
12 tion Authorization Act for Fiscal Year 2006 (division B  
13 of Public Law 109–163; 119 Stat. 3498) is amended in  
14 the item relating to Menwith Hill, United Kingdom, by  
15 striking “\$86,354,000” in the amount column and insert-  
16 ing “\$88,083,000”.

17 (c) CONFORMING AMENDMENT.—Section 2403(b) of  
18 that Act (119 Stat. 3500) is amended—

19 (1) in paragraph (2), by striking  
20 “\$12,500,000” and inserting “\$291,870,000”;

21 (2) in paragraph (3), by striking  
22 “\$256,034,000” and inserting “\$301,524,000”; and

23 (3) in paragraph (5), by striking  
24 “\$44,657,000” and inserting “\$46,386,000”.

1 **TITLE XXV—NORTH ATLANTIC**  
2 **TREATY ORGANIZATION SE-**  
3 **CURITY INVESTMENT PRO-**  
4 **GRAM**

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
6 **ACQUISITION PROJECTS.**

7       The Secretary of Defense may make contributions for  
8 the North Atlantic Treaty Organization Security Invest-  
9 ment Program as provided in section 2806 of title 10,  
10 United States Code, in an amount not to exceed the sum  
11 of the amount authorized to be appropriated for this pur-  
12 pose in section 2502 and the amount collected from the  
13 North Atlantic Treaty Organization as a result of con-  
14 struction previously financed by the United States.

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16       Funds are hereby authorized to be appropriated for  
17 fiscal years beginning after September 30, 2006, for con-  
18 tributions by the Secretary of Defense under section 2806  
19 of title 10, United States Code, for the share of the United  
20 States of the cost of projects for the North Atlantic Treaty  
21 Organization Security Investment Program authorized by  
22 section 2501, in the amount of \$205,985,000.

**TITLE XXVI—GUARD AND  
RESERVE FORCES FACILITIES**

**SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, \$524,031,000; and

(B) for the Army Reserve, \$189,817,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, \$48,408,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, \$242,143,000; and

(B) for the Air Force Reserve, \$44,936,000.

1 **TITLE XXVII—EXPIRATION AND**  
2 **EXTENSION OF AUTHORIZA-**  
3 **TIONS**

4 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**  
5 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
6 **LAW.**

7 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
8 YEARS.—Except as provided in subsection (b), all author-  
9 izations contained in titles XXI through XXVI for military  
10 construction projects, land acquisition, family housing  
11 projects and facilities, and contributions to the North At-  
12 lantic Treaty Organization Security Investment Program  
13 (and authorizations of appropriations therefor) shall ex-  
14 pire on the later of—

15 (1) October 1, 2009; or

16 (2) the date of the enactment of an Act author-  
17 izing funds for military construction for fiscal year  
18 2010.

19 (b) EXCEPTION.—Subsection (a) shall not apply to  
20 authorizations for military construction projects, land ac-  
21 quisition, family housing projects and facilities, and con-  
22 tributions to the North Atlantic Treaty Organization Se-  
23 curity Investment Program (and authorizations of appro-  
24 priations therefor), for which appropriated funds have  
25 been obligated before the later of—



1 (1) October 1, 2009; or

2 (2) the date of the enactment of an Act author-  
 3 izing funds for fiscal year 2010 for military con-  
 4 struction projects, land acquisition, family housing  
 5 projects and facilities, or contributions to the North  
 6 Atlantic Treaty Organization Security Investment  
 7 Program.

8 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 9 **FISCAL YEAR 2004 PROJECTS.**

10 (a) EXTENSION.—Notwithstanding section 2701 of  
 11 the Military Construction Authorization Act for Fiscal  
 12 Year 2004 (division B of Public Law 108–136; 117 Stat.  
 13 1716), authorizations set forth in the tables in subsection  
 14 (b), as provided in sections 2101, 2301, 2302, 2401, and  
 15 2601 of that Act, shall remain in effect until October 1,  
 16 2007, or the date of the enactment of an Act authorizing  
 17 funds for military construction for fiscal year 2008, which-  
 18 ever is later.

19 (b) TABLES.—The tables referred to in subsection (a)  
 20 are as follows:

**Army: Extension of 2004 Project Authorizations**

State	Installation or Location	Project	Amount
Alaska .....	Fort Wainwright .....	Multi-purpose Training Range Complex .....	\$47,000,000
Hawaii .....	Helemano Military Reservation .....	Land Easement	\$1,400,000
Virginia .....	Fort Belvoir .....	NGIC Land Acquisition .....	\$7,000,000

**Army: Extension of 2004 Project Authorizations**—Continued

State	Installation or Location	Project	Amount
Italy .....	Fort Lee .....	Fire & Emergency Services Center (Ph 2) .....	\$3,850,000
	Aviano Air Base .....	Joint Deployment Facility (Ph 1) .....	\$15,500,000

**Air Force: Extension of 2004 Project Authorizations**

State	Installation or Location	Project	Amount
California .....	Travis Air Force Base	Replace Family Housing (56 Units) .....	\$12,723,000
Florida .....	Eglin Air Force Base ..	Replace Family Housing (279 Units) .....	\$32,166,000
Hawaii .....	Hickam Air Force Base .....	Expand Strategic Airlift Parking Ramp .....	\$10,102,000
Texas .....	Dyess Air Force Base	Replace Family Housing (116 Units) .....	\$19,973,000

**Defense Wide: Extension of 2004 Project Authorizations**

Agency	Installation or Location	Project	Amount
Defense Logistics Agency.	Hickam Air Force Base, Hawaii .....	Replace Hydrant Fuel System .....	\$14,100,000

**Army National Guard: Extension of 2004 Authorization of Appropriations**

State	Installation or Location	Project	Amount
Indiana .....	Gary .....	Army Aviation Support Facility .....	\$15,581,000
New Mexico .....	Albuquerque .....	Readiness Center, Add/Alt (ADRS) .....	\$2,533,000
Pennsylvania .....	Fort Indiantown Gap ..	Multi-purpose Training Range .....	\$15,338,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 2 **FISCAL YEAR 2003 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2701 of  
 4 the Military Construction Authorization Act for Fiscal  
 5 Year 2003 (division B of Public Law 107–314; 116 Stat.  
 6 2700), authorizations set forth in the tables in subsection  
 7 (b), as provided in section 2302 of that Act, shall remain  
 8 in effect until October 1, 2007, or the date of the enact-  
 9 ment of an Act authorizing funds for military construction  
 10 for fiscal year 2008, whichever is later.

11 (b) TABLES.—The tables referred to in subsection (a)  
 12 are as follows:

**Air Force: Extension of 2003 Project Authorizations**

State	Installation or Loca- tion	Project	Amount
Florida .....	Eglin Air Force Base ..	Replace Family Housing (134 Units) .....	\$15,906,000
	Eglin Air Force Base ..	Replace Hous- ing Office .....	\$597,000
Texas .....	Randolph Air Force Base .....	Replace Family Housing Maintenance Facility .....	\$447,000

13 **SEC. 2704. EFFECTIVE DATE.**

14 Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI  
 15 shall take effect on the later of—

16 (1) October 1, 2006; or

17 (2) the date of the enactment of this Act.

1           **TITLE XXVIII—GENERAL**  
 2                   **PROVISIONS**  
 3   **Subtitle A—Military Construction**  
 4       **Program and Military Family**  
 5       **Housing Changes**

6   **SEC. 2801. THREE-YEAR EXTENSION OF TEMPORARY, LIM-**  
 7                   **ITED AUTHORITY TO USE OPERATION AND**  
 8                   **MAINTENANCE FUNDS FOR CONSTRUCTION**  
 9                   **PROJECTS OUTSIDE THE UNITED STATES.**

10       Section 2808 of the Military Construction Authoriza-  
 11   tion Act for Fiscal Year 2004 (division B of Public Law  
 12   108–136; 117 Stat. 1723), as amended by section 2810  
 13   of the Military Construction Authorization Act for Fiscal  
 14   Year 2005 (division B of Public Law 108–375; 118 Stat.  
 15   2128) and section 2809 of the Military Construction Au-  
 16   thorization Act for Fiscal Year 2006 (division B of Public  
 17   Law 109–163; 119 Stat. 3508), is further amended—

18           (1) in subsection (a), by striking “fiscal years  
 19       2005 and 2006” and inserting “fiscal years 2005,  
 20       2006, 2007, 2008, and 2009”; and

21           (2) in subsection (f)—

22                   (A) in paragraph (1), by striking “the  
 23       Subcommittees on Defense and Military Con-  
 24       struction of” and inserting “the Subcommittees

1 on Defense and on Military Construction and  
 2 Veterans Affairs, and Related Agencies of”; and

3 (B) in paragraph (2), by striking “the  
 4 Subcommittees on Defense and Military Con-  
 5 struction of” and inserting “the Subcommittees  
 6 on Defense and on Military Quality of Life and  
 7 Veterans Affairs, and Related Agencies of”.

8 **SEC. 2802. AUTHORITY TO CARRY OUT MILITARY CON-**  
 9 **STRUCTION PROJECTS IN CONNECTION WITH**  
 10 **INDUSTRIAL FACILITY INVESTMENT PRO-**  
 11 **GRAM.**

12 (a) **AUTHORITY.**—Subchapter III of chapter 169 of  
 13 title 10, United States Code, is amended by adding at the  
 14 end the following new section:

15 **“§ 2870. Authority to carry out military construction**  
 16 **projects in connection with industrial fa-**  
 17 **cility investment program**

18 “(a) **AUTHORITY.**—The Secretary of Defense may  
 19 carry out a military construction project, not previously  
 20 authorized, for the purpose of carrying out activities under  
 21 section 2474(a)(2) of this title, using funds appropriated  
 22 or otherwise made available for that purpose.

23 “(b) **CREDITING OF FUNDS.**—Funds appropriated or  
 24 otherwise made available in a fiscal year for the purpose  
 25 of carrying out a military construction project with respect

1 to a public depot under subsection (a) may be credited  
 2 to the amount required under section 2208(s) of this title  
 3 to be invested in such fiscal year in the capital budget  
 4 for such public depot.

5 “(c) NOTICE AND WAIT REQUIREMENT.—The Sec-  
 6 retary may not carry out a project under subsection (a)  
 7 until 21 days after the date on which the Secretary noti-  
 8 fies the congressional defense committees of the intent to  
 9 carry out such project and the savings estimated to be  
 10 realized from such project or, if earlier, 14 days after the  
 11 date on which a copy of the notification is provided in an  
 12 electronic medium pursuant to section 480 of this title.

13 “(d) ANNUAL REPORT.—Not later than December 31  
 14 of each year, the Secretary shall submit to Congress a re-  
 15 port describing actions taken under this section and the  
 16 savings realized from such actions during the fiscal year  
 17 ending in the year in which the report is submitted.”.

18 (b) CLERICAL AMENDMENT.—The table of sections  
 19 at the beginning of such subchapter is amended by adding  
 20 at the end the following new item:

“2870. Authority to carry out military construction projects in connection with  
 industrial facility investment program.”.

1 **SEC. 2803. MODIFICATION OF NOTIFICATION REQUIRE-**  
2 **MENTS RELATED TO COST VARIATION AU-**  
3 **THORITY.**

4 Section 2853(c) of title 10, United States Code, is  
5 amended—

6 (1) in paragraph (1), by striking the semicolon  
7 at the end and inserting “; and”;

8 (2) by amending paragraph (2) to read as fol-  
9 lows:

10 “(2)(A) in the case of a cost increase or a re-  
11 duction in the scope of work—

12 “(i) the Secretary concerned notifies the  
13 appropriate committees of Congress in writing  
14 of the cost increase or reduction in scope and  
15 the reasons therefor, including a description of  
16 the funds proposed to be used to finance any  
17 increased costs; and

18 “(ii) a period of 21 days has elapsed after  
19 the date on which the notification is received by  
20 the committees or, if over sooner, a period of 14  
21 days has elapsed after the date on which a copy  
22 of the notification is provided in an electronic  
23 medium pursuant to section 480 of this title; or

24 “(B) in the case of a cost decrease, the Sec-  
25 retary concerned notifies the appropriate committees  
26 of Congress in writing not later than 14 days after

1 the date funds are obligated in connection with the  
 2 military construction project or military family hous-  
 3 ing project.”; and

4 (3) by striking paragraph (3).

5 **SEC. 2804. CONSIDERATION OF LOCAL COMPARABILITY OF**  
 6 **FLOOR AREAS IN CONSTRUCTION, ACQUISI-**  
 7 **TION, AND IMPROVEMENT OF MILITARY UN-**  
 8 **ACCOMPANIED HOUSING.**

9 (a) IN GENERAL.—Section 2856 of title 10, United  
 10 States Code, is amended to read as follows:

11 **“§ 2856. Military unaccompanied housing: local com-**  
 12 **parability of floor areas**

13 “In the construction, acquisition, and improvement of  
 14 military unaccompanied housing, the Secretary concerned  
 15 shall ensure that the floor areas of such housing in a par-  
 16 ticular locality (as designated by the Secretary concerned  
 17 for purposes of this section) do not exceed the floor areas  
 18 of similar housing in the private sector in that locality.”.

19 (b) CLERICAL AMENDMENT.—The table of sections  
 20 at the beginning of chapter 169 of such title is amended  
 21 by striking the item relating to section 2856 and inserting  
 22 the following:

“2856. Military unaccompanied housing: local comparability of floor areas.”.



1 **SEC. 2805. INCREASE IN THRESHOLDS FOR UNSPECIFIED**  
2 **MINOR MILITARY CONSTRUCTION PROJECTS.**

3 (a) INCREASE.—Section 2805(a)(1) of title 10,  
4 United States Code, is amended—

5 (1) by striking “\$1,500,000” and inserting  
6 “\$2,500,000”; and

7 (2) by striking “\$3,000,000” and inserting  
8 “\$4,000,000”.

9 (b) EFFECTIVE DATE.—The amendments made by  
10 subsection (a) shall take effect on October 1, 2006.

11 **SEC. 2806. INCLUSION OF MILITARY TRANSPORTATION AND**  
12 **SUPPORT SYSTEMS IN ENERGY SAVINGS PRO-**  
13 **GRAM.**

14 (a) IN GENERAL.—Section 2865 of title 10, United  
15 States Code, is amended—

16 (1) in the section heading, by inserting “**for**  
17 **military operations and**” after “**Energy**  
18 **savings**”;

19 (2) in subsection (a)—

20 (A) by amending paragraph (1) to read as  
21 follows:

22 “(1) The Secretary of Defense shall designate energy  
23 performance goals for the Department of Defense for mili-  
24 tary transportation and support systems and installations.  
25 The goals shall be consistent, where appropriate, with the  
26 Energy Policy Act of 2005 (Public Law 109–58).”;

1 (B) in paragraph (2), by striking “energy  
2 conservation measures” and all that follows  
3 through “energy savings” and inserting “energy  
4 conservation measures and alternative energy  
5 initiatives to achieve maximum total life-cycle  
6 energy savings”;

7 (C) in paragraph (3)—

8 (i) by striking “energy efficient main-  
9 tenance” and inserting “energy efficient  
10 operations and maintenance”; and

11 (ii) by inserting after “10 years or  
12 less” the following: “, except that the Sec-  
13 retary may provide that energy conserva-  
14 tion measures related to equipment and  
15 systems supporting industrial processes  
16 may have a positive net present value over  
17 a period of 20 years or less”; and

18 (D) in paragraph (4)—

19 (i) by striking “energy efficient main-  
20 tenance” and inserting “energy efficient  
21 operations and maintenance”;

22 (ii) in subparagraph (A), by inserting  
23 “vehicles, military support equipment,”  
24 after “such as”; and

1 (iii) in subparagraph (B), by striking  
 2 “an operation or maintenance process,  
 3 such as improved training” and inserting  
 4 “a military operation or maintenance proc-  
 5 ess, such as the use of alternative fuels  
 6 and energy sources, improved training,”;  
 7 and

8 (3) in subsection (b)(2)(A), by striking “instal-  
 9 lations of the Department of Defense as may be des-  
 10 ignated” and inserting “installations of the Depart-  
 11 ment of Defense and related to such vehicles and  
 12 military support equipment of the Department of  
 13 Defense as may be designated”.

14 **SEC. 2807. REPEAL OF AUTHORITY TO CONVEY PROPERTY**  
 15 **AT CLOSED OR REALIGNED MILITARY IN-**  
 16 **STALLATIONS TO SUPPORT MILITARY CON-**  
 17 **STRUCTION.**

18 (a) REPEAL.—Section 2869 of title 10, United States  
 19 Code, is repealed.

20 (b) CONFORMING AND CLERICAL AMENDMENTS.—

21 (1) CONFORMING AMENDMENTS.—(A) Section  
 22 2822(b) of such title is amended by striking para-  
 23 graph (6).

24 (B) Section 2883(c) of such title is amended—

1 (i) in paragraph (1), by striking subpara-  
 2 graph (F); and

3 (ii) in paragraph (2), by striking subpara-  
 4 graph (F).

5 (2) CLERICAL AMENDMENT.—The table of sec-  
 6 tions at the beginning of subchapter III of chapter  
 7 169 of such title is amended by striking the item re-  
 8 lating to section 2869.

9 **SEC. 2808. REPEAL OF REQUIREMENT TO DETERMINE**  
 10 **AVAILABILITY OF SUITABLE ALTERNATIVE**  
 11 **HOUSING FOR ACQUISITION IN LIEU OF CON-**  
 12 **STRUCTION OF NEW FAMILY HOUSING.**

13 (a) IN GENERAL.—Section 2823 of title 10, United  
 14 States Code, is repealed.

15 (b) CLERICAL AMENDMENT.—The table of sections  
 16 at the beginning of chapter 169 of such title is amended  
 17 by striking the item relating to section 2823.

18 **SEC. 2809. UPDATING FOREIGN CURRENCY FLUCTUATION**  
 19 **ADJUSTMENT FOR CERTAIN MILITARY FAM-**  
 20 **ILY HOUSING LEASES IN KOREA.**

21 Section 2828(e)(5)(A) of title 10, United States  
 22 Code, is amended to read as follows:

23 “(A) for—

24 “(i) foreign currency fluctuations from Oc-  
 25 tober 1, 1987, in the case of maximum lease

1 amounts provided for under paragraphs (1),  
 2 (2), and (3); or

3 “(ii) foreign currency appreciation during  
 4 the previous fiscal year, starting from the fiscal  
 5 year of enactment of the lease authority under  
 6 paragraph (4), in the case of the maximum  
 7 lease amount provided for under such para-  
 8 graph; and”.

9 **SEC. 2810. PILOT PROJECTS FOR ACQUISITION OR CON-**  
 10 **STRUCTION OF MILITARY UNACCOMPANIED**  
 11 **HOUSING.**

12 (a) REDUCTION OF APPLICABLE NOTIFICATION PE-  
 13 RIODS.—Section 2881a of title 10, United States Code,  
 14 is amended by striking “90 days” both places it appears  
 15 and inserting “30 days”.

16 (b) EXTENSION OF AUTHORITY.—Subsection (f) of  
 17 such section is amended by striking “2007” and inserting  
 18 “2009”.

19 **SEC. 2811. CERTIFICATION REQUIRED FOR CERTAIN MILI-**  
 20 **TARY CONSTRUCTION PROJECTS.**

21 The Department of Defense may not use amounts au-  
 22 thorized to be appropriated for a fiscal year beginning  
 23 after September 30, 2006, to carry out a military con-  
 24 struction project to construct a facility designed to provide  
 25 training in urban operations for personnel of the Depart-

1 ment of Defense or other Federal agencies until the Under  
 2 Secretary of Defense for Personnel and Readiness, in con-  
 3 sultation with the Commander of the United States Joint  
 4 Forces Command, has certified to the congressional de-  
 5 fense committees that—

6 (1) the Secretary of Defense has approved a  
 7 strategy for training and facility construction for op-  
 8 erations in urban terrain; and

9 (2) the Under Secretary has evaluated the  
 10 project and determined that the project—

11 (A) is consistent with such strategy; and

12 (B) incorporates the appropriate capabili-  
 13 ties for joint and interagency use in accordance  
 14 with such strategy.

15 **SEC. 2812. MODIFICATION OF LAND ACQUISITION AUTHOR-**  
 16 **ITY, PERQUIMANS COUNTY, NORTH CARO-**  
 17 **LINA.**

18 Section 2846 of the Military Construction Authoriza-  
 19 tion Act for Fiscal Year 2002 (division B of Public Law  
 20 107–107; 115 Stat. 1320), as amended by section 2865  
 21 of the Military Construction Authorization Act for Fiscal  
 22 Year 2005 (division B of Public Law 108–375; 118 Stat.  
 23 2149), is further amended by striking “840 acres” and  
 24 inserting “1,550 acres”.

1 **SEC. 2813. NAMING OF RESEARCH LABORATORY AT AIR**  
 2 **FORCE ROME RESEARCH SITE, ROME, NEW**  
 3 **YORK, IN HONOR OF SHERWOOD L. BOEH-**  
 4 **LERT, A MEMBER OF THE HOUSE OF REP-**  
 5 **RESENTATIVES.**

6 The new laboratory facility at the Air Force Rome  
 7 Research Site, Rome, New York, shall be known and des-  
 8 ignated as the “Sherwood L. Boehlert Engineering Cen-  
 9 ter”. Any reference in a law, map, regulation, document,  
 10 paper, or other record of the United States to such labora-  
 11 tory facility shall be deemed to be a reference to the Sher-  
 12 wood L. Boehlert Engineering Center.

13 **Subtitle B—Real Property and**  
 14 **Facilities Administration**

15 **SEC. 2821. CONSOLIDATION OF EASEMENT PROVISIONS.**

16 (a) CONSOLIDATION OF EASEMENT PROVISIONS.—

17 (1) TRANSFER OF EASEMENTS SECTION.—Sec-  
 18 tion 2668 of title 10, United States Code, is—

19 (A) transferred to appear after section  
 20 2671 of such title; and

21 (B) redesignated as section 2672 of such  
 22 title.

23 (2) CONSOLIDATED AUTHORITY.—Section  
 24 2672, as redesignated by paragraph (1), is amend-  
 25 ed—

26 (A) in subsection (a)—

1 (i) by inserting “TYPES OF EASE-  
2 MENTS.—” after “(a)”;

3 (ii) in the matter preceding paragraph  
4 (1), by striking “to a State, Territory,  
5 Commonwealth, or possession, or political  
6 subdivision thereof, or to a citizen, associa-  
7 tion, partnership, or corporation of a  
8 State, Territory, Commonwealth, or pos-  
9 session,”;

10 (iii) in paragraph (2), by striking “oil  
11 pipe lines” and inserting “gas, water,  
12 sewer, and oil pipe lines”; and

13 (iv) in paragraph (13), by striking “,  
14 except a purpose covered by section 2669  
15 of this title”;

16 (B) in subsection (b), by inserting “LIMI-  
17 TATION ON SIZE.—” after “(b)”;

18 (C) in subsection (c), by inserting “TERMI-  
19 NATION.—” after “(c)”;

20 (D) in subsection (d), by inserting “NO-  
21 TICE TO DEPARTMENT OF THE INTERIOR.—”  
22 after “(d)”;

23 (E) in subsection (e), by inserting “DIS-  
24 POSITION OF CONSIDERATION.—” after “(e)”.



1 (b) REPEAL OF OBSOLETE AUTHORITY.—Section  
2 2669 of such title is repealed.

3 (c) CONFORMING AMENDMENTS.—The table of sec-  
4 tions at the beginning of chapter 159 of such title is  
5 amended—

6 (1) by striking the items relating to sections  
7 2668 and 2669; and

8 (2) by inserting after the item relating to sec-  
9 tion 2671 the following new item:

“2672. Easements for rights-of-way.”.

10 **SEC. 2822. AUTHORITY TO GRANT RESTRICTIVE EASE-**  
11 **MENTS FOR CONSERVATION AND ENVIRON-**  
12 **MENTAL RESTORATION PURPOSES.**

13 (a) AUTHORITY TO GRANT RESTRICTIVE EASE-  
14 MENTS.—Chapter 159 of title 10, United States Code, as  
15 amended by section 2821 of this Act, is further amended  
16 by inserting after section 2672 of such title the following  
17 new section:

18 **“§ 2672a. Authority to grant restrictive easements**

19 “(a) CONSERVATION EASEMENTS.—(1)(A) If the  
20 Secretary of a military department finds that it will be  
21 in the public interest, the Secretary may, subject to para-  
22 graph (2), grant, upon such terms as the Secretary con-  
23 siders advisable and with the consent of an entity de-  
24 scribed in subparagraph (B), a restrictive easement to  
25 such entity over, in, and upon any real property that is

1 transferred by deed by that department restricting future  
2 uses of the property for a conservation purpose consistent  
3 with section 170(h)(4)(A)(iv) of the Internal Revenue  
4 Code of 1986 (26 U.S.C. 170(h)(4)(A)(iv)).

5 “(B) An entity referred to in subparagraph (A) is—

6 “(i) a State or local government; or

7 “(ii) a qualified organization, as that term is  
8 defined in section 170(h) of the Internal Revenue  
9 Code of 1986 (26 U.S.C. 170(h)).

10 “(2) An easement under paragraph (1) shall not be  
11 granted unless the Secretary of the military department  
12 concerned determines that—

13 “(A) the conservation of the property can not  
14 be effectively achieved through the application of  
15 State law by units of State or local government  
16 without granting such easement;

17 “(B) the jurisdiction that encompasses the  
18 property authorizes such easement; and

19 “(C) the Secretary can give or assign to a third  
20 party the responsibility for monitoring and enforcing  
21 such easement.

22 “(b) ENVIRONMENTAL EASEMENTS.—If the Sec-  
23 retary of a military department finds that it will be in  
24 the public interest, the Secretary may grant, upon such  
25 terms as the Secretary considers advisable and with the

1 consent of a State or local government, a restrictive ease-  
 2 ment to such government over, in, and upon any real prop-  
 3 erty that is transferred by deed by that department re-  
 4 stricting future uses of the property to ensure the contin-  
 5 ued effectiveness of any environmental restoration func-  
 6 tion on the property conducted pursuant to chapter 160  
 7 of this title.

8 “(c) LIMITATIONS.—(1) No easement granted under  
 9 this section may include more land than is necessary for  
 10 the easement.

11 “(2) Easements granted under this section shall be  
 12 without consideration from the recipient.

13 “(3) Nothing in this section shall alter the respon-  
 14 sibilities of any party under Federal or State environ-  
 15 mental laws.”.

16 (b) CLERICAL AMENDMENT.—The table of sections  
 17 at the beginning of such chapter, as amended by section  
 18 2821 of this Act, is further amended by inserting after  
 19 the item relating to section 2672 the following new item:

“2672a. Authority to grant restrictive easements for conservation and environ-  
 mental restoration purposes.”.

1 **SEC. 2823. CONSOLIDATION OF PROVISIONS RELATING TO**  
2 **TRANSFERS OF REAL PROPERTY WITHIN THE**  
3 **DEPARTMENT OF DEFENSE AND TO OTHER**  
4 **FEDERAL AGENCIES.**

5 (a) CONSOLIDATION AND RESTATEMENT OF AU-  
6 THORITY ON INTERCHANGE, TRANSFER, AND SCREENING  
7 OF DEPARTMENT OF DEFENSE REAL PROPERTY.—Sec-  
8 tion 2696 of title 10, United States Code, is amended to  
9 read as follows:

10 **“§ 2696. Real property: transfer between armed**  
11 **forces; screening for transfer or convey-**  
12 **ance**

13 “(a) TRANSFER BETWEEN ARMED FORCES.—If ei-  
14 ther of the Secretaries concerned requests it and the other  
15 approves, real property may be transferred, without com-  
16 pensation, from one armed force to another.

17 “(b) SCREENING AND CONVEYANCE OF PROPERTY  
18 FOR CORRECTIONAL FACILITIES PURPOSES.—(1) Except  
19 as provided in paragraph (2), before any real property or  
20 facility of the United States that is under the jurisdiction  
21 of any department, agency, or instrumentality of the De-  
22 partment of Defense is determined to be excess to the  
23 needs of such department, agency, or instrumentality, the  
24 Secretary of Defense shall—

1           “(A) provide adequate notification of the avail-  
2           ability of such real property or facility within the  
3           Department of Defense;

4           “(B) if such real property or facility remains  
5           available after such notification, notify the Attorney  
6           General of its availability; and

7           “(C) if the Attorney General certifies to the  
8           Secretary that a determination has been made by  
9           the Director of the Bureau of Justice Assistance  
10          within the Department of Justice to utilize such real  
11          property or facility under the correctional options  
12          program carried out under section 515 of title I of  
13          the Omnibus Crime Control and Safe Streets Act of  
14          1968 (42 U.S.C. 3762a), convey such real property  
15          or facility, without reimbursement, to a public agen-  
16          cy referred to in paragraph (1) or (3) of subsection  
17          (a) of such section for such utilization.

18          “(2) The provisions of this subsection shall not apply  
19          during any portion of a fiscal year after four conveyances  
20          have been made under this subsection in such fiscal year.

21          “(c) SCREENING FOR FURTHER FEDERAL USE BE-  
22          FORE CONVEYANCE TO NON-FEDERAL ENTITIES.—(1)  
23          The Secretary concerned may not convey real property  
24          that is authorized or required to be conveyed, whether for  
25          or without consideration, by any provision of law unless

1 the Administrator has screened the property for further  
2 Federal use in accordance with subtitle I of title 40 and  
3 title III of the Federal Property and Administrative Serv-  
4 ices Act of 1949 (41 U.S.C. 251 et seq.).

5 “(2)(A) Before the end of the 30-day period begin-  
6 ning on the date of the enactment of a provision of law  
7 authorizing or requiring the conveyance of a parcel of real  
8 property by the Secretary concerned, the Administrator of  
9 General Services shall complete the screening referred to  
10 in paragraph (1) with regard to the real property and no-  
11 tify the Secretary concerned and Congress of the results  
12 of the screening. The notice shall include—

13 “(i) the name of the Federal agency requesting  
14 transfer of the property;

15 “(ii) the proposed use to be made of the prop-  
16 erty by the Federal agency; and

17 “(iii) the fair market value of the property, in-  
18 cluding any improvements thereon, as estimated by  
19 the Administrator.

20 “(B) If the Administrator fails to complete the  
21 screening and notify the Secretary concerned and Con-  
22 gress within such period, the Secretary concerned shall  
23 proceed with the conveyance of the real property as pro-  
24 vided in the provision of law authorizing or requiring the  
25 conveyance.

1       “(3) If the Administrator submits notice under para-  
2 graph (2)(A) that further Federal use of a parcel of real  
3 property is requested by a Federal agency, the Secretary  
4 concerned may not proceed with the conveyance of the  
5 property as provided in the provision of law authorizing  
6 or requiring the conveyance until the end of the 180-day  
7 period beginning on the date on which the notice is sub-  
8 mitted to Congress.

9       “(4) The screening requirements of this subsection  
10 shall not apply to real property authorized or required to  
11 be conveyed under any of the following provisions of law:

12               “(A) A base closure law.

13               “(B) Chapter 5 of title 40.

14               “(C) Any specific provision of law authorizing  
15 or requiring the transfer of administrative jurisdic-  
16 tion over a parcel or real property between Federal  
17 agencies.”.

18       (b) CONFORMING AMENDMENTS.—

19               (1) CONFORMING AMENDMENTS TO AUTHORITY  
20 ON INTERCHANGE OF PROPERTY AND SERVICES.—

21               (A) Section 2571(a) of such title is amended by  
22 striking “and real property”.

23               (B) The heading of such section is amended to  
24 read as follows:

1 **“§ 2571. Interchange of supplies and services”.**

2 (2) REPEAL OF SUPERSEDED AUTHORITY ON  
3 SCREENING AND TRANSFER FOR CORRECTIONAL  
4 PURPOSES.—Section 2693 of such title is repealed.

5 (c) CLERICAL AMENDMENTS.—(1) The table of sec-  
6 tions at the beginning of chapter 153 of such title is  
7 amended by striking the item relating to section 2571 and  
8 inserting the following new item:

“2571. Interchange of supplies and services.”.

9 (2) The table of sections at the beginning of chapter  
10 159 of such title is amended—

11 (A) by striking the item relating to section  
12 2693; and

13 (B) by striking the item relating to section  
14 2696 and inserting the following new item:

“2696. Real property: transfer between armed forces; screening for transfer or conveyance.”.

15 **SEC. 2824. AUTHORITY TO USE EXCESS PROPERTY AS EX-**  
16 **CHANGE UNDER AGREEMENTS TO LIMIT EN-**  
17 **CROACHMENTS ON MILITARY TRAINING,**  
18 **TESTING, AND OPERATIONS.**

19 Section 2684a(h) of title 10, United States Code, is  
20 amended—

21 (1) in the heading, by striking “FUNDING” and  
22 inserting “CONSIDERATION”; and



1           (2) by adding at the end the following new  
2       paragraph:

3       “(3) Land under the jurisdiction of the Secretary  
4       concerned that is determined to be excess to the needs of  
5       the Department of Defense may be used by way of ex-  
6       change to enter into an agreement under this section, but  
7       only if such land is located within the same State as the  
8       installation that is the subject of the agreement.”.

9       **SEC. 2825. MODIFICATION OF UTILITY SYSTEM AUTHORITY**  
10           **AND RELATED REPORTING REQUIREMENTS.**

11       Section 2688 of title 10, United States Code, as  
12       amended by section 2823 of the Military Construction Au-  
13       thorization Act for Fiscal Year 2006 (Public Law 109–  
14       163), is further amended—

15           (1) in subsection (a)(2)(A)—

16               (A) in clause (i), by striking the semicolon  
17               at the end and inserting “; and”; and

18               (B) by striking clause (iii); and

19           (2) in subsection (d)—

20               (A) in paragraph (1), by striking “10  
21               years” and inserting “50 years”; and

22               (B) in paragraph (2)—

23                   (i) in the first sentence, by striking “a  
24                   term in excess of 10 years” and all that  
25                   follows through the period at the end and

1 inserting “a term not to exceed 50 years.”;  
2 and  
3 (ii) in the second sentence, by striking  
4 “shall include” and all that follows  
5 through the period at the end and insert-  
6 ing “shall include an explanation of the  
7 term of the contract.”.

8 **SEC. 2826. INCREASE IN AUTHORIZED MAXIMUM LEASE**  
9 **TERM FOR CERTAIN STRUCTURES AND REAL**  
10 **PROPERTY RELATING TO STRUCTURES IN**  
11 **FOREIGN COUNTRIES.**

12 Section 2675(a) of title 10, United States Code, is  
13 amended by striking “five years” and inserting “10  
14 years”.

15 **SEC. 2827. MODIFICATION OF LAND TRANSFER AUTHORITY,**  
16 **POTOMAC ANNEX, DISTRICT OF COLUMBIA.**

17 Section 2831 of the National Defense Authorization  
18 Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat.  
19 2795) is amended by striking “consisting of approximately  
20 3 acres” and inserting “consisting of approximately 4  
21 acres and containing two buildings, known as building 6  
22 and building 7”.

## **Subtitle C—Base Closure and Realignment**

### **SEC. 2831. DEFENSE ECONOMIC ADJUSTMENT PROGRAM: RESEARCH AND TECHNICAL ASSISTANCE.**

Section 2391 of title 10, United States Code, is amended by inserting after subsection (b) the following new subsection:

“(c) RESEARCH AND TECHNICAL ASSISTANCE.—(1)

The Secretary of Defense may make grants, conclude cooperative agreements, and enter into contracts in order to conduct research and technical assistance in support of activities under this section or Executive Order 12788.

“(2) A grant, cooperative agreement, or contract under this subsection may be with or to a Federal agency, a State or local government, or any private entity.”.

### **SEC. 2832. EXTENSION OF ELIGIBILITY FOR COMMUNITY PLANNING ASSISTANCE RELATED TO CER- TAIN MILITARY FACILITIES NOT UNDER DE- PARTMENT OF DEFENSE JURISDICTION.**

Section 2391(d)(1) of title 10, United States Code, is amended by striking the period at the end and inserting the following: “, except that for purposes of subsection (b)(1)(D), a ‘military installation’ may also include a military facility owned and operated by a State, the District of Columbia, the Commonwealth of Puerto Rico, American

1 Samoa, the Virgin Islands, or Guam even though such fa-  
 2 cility is not under the jurisdiction of the Department of  
 3 Defense, if the facility is subject to significant use for  
 4 training by the armed forces.”.

5 **SEC. 2833. MODIFICATION OF DEPOSIT REQUIREMENTS IN**  
 6 **CONNECTION WITH LEASE PROCEEDS RE-**  
 7 **CEIVED AT MILITARY INSTALLATIONS AP-**  
 8 **PROVED FOR CLOSURE OR REALIGNMENT**  
 9 **AFTER JANUARY 1, 2005.**

10 Section 2667(d) of title 10, United States Code, is  
 11 amended—

12 (1) in paragraph (5), by inserting after “lease  
 13 under subsection (f)” the following: “at a military  
 14 installation to be closed or realigned under a base  
 15 closure law, the date of approval of which is before  
 16 January 1, 2005,”; and

17 (2) by adding at the end the following new  
 18 paragraph:

19 “(6) Money rentals received by the United States  
 20 from a lease under subsection (f) at a military installation  
 21 to be closed or realigned under a base closure law, the  
 22 date of approval of which is on or after January 1, 2005,  
 23 shall be deposited into the account established under sec-  
 24 tion 2906A(a) of the Defense Base Closure and Realign-

1 ment Act of 1990 (part A of title XXIX of Public Law  
2 101 510; 10 U.S.C. 2687 note).”.

### 3       **Subtitle D—Land Conveyances**

#### 4       **SEC. 2841. LAND CONVEYANCE, RADFORD ARMY AMMUNI-** 5                   **TION PLANT, VIRGINIA.**

6           (a) CONVEYANCE AUTHORIZED.—The Secretary of  
7 the Army may convey, without consideration, to the Com-  
8 monwealth of Virginia (in this section referred to as the  
9 “Commonwealth”) all right, title, and interest of the  
10 United States in and to a parcel of real property, including  
11 improvements thereon, consisting of approximately 80  
12 acres at Radford Army Ammunition Plant, New River  
13 Unit, Virginia, for the purpose of permitting the Common-  
14 wealth to establish on the property a cemetery operated  
15 by the Commonwealth for veterans of the Armed Forces.

16          (b) REVERSIONARY INTEREST.—If the Secretary de-  
17 termines at any time that the real property conveyed  
18 under subsection (a) is not being used in accordance with  
19 the purpose of the conveyance specified in such subsection,  
20 all right, title, and interest in and to the property shall  
21 revert, at the option of the Secretary, to the United States,  
22 and the United States shall have the right of immediate  
23 entry onto the property. Any determination of the Sec-  
24 retary under this subsection shall be made on the record  
25 after an opportunity for a hearing.

1 (c) PAYMENT OF COSTS OF CONVEYANCE.—

2 (1) PAYMENT REQUIRED.—(A) The Secretary  
3 may require the Commonwealth to cover costs to be  
4 incurred by the Secretary, or to reimburse the Sec-  
5 retary for costs incurred by the Secretary, to carry  
6 out the conveyance under subsection (a), including  
7 survey costs, costs related to environmental docu-  
8 mentation, and other administrative costs related to  
9 the conveyance. If amounts are collected from the  
10 Commonwealth in advance of the Secretary incur-  
11 ring the actual costs, and the amount collected ex-  
12 ceeds the costs actually incurred by the Secretary to  
13 carry out the conveyance, the Secretary shall refund  
14 the excess amount to the Commonwealth.

15 (B) The authority of the Secretary to require  
16 the Commonwealth to cover administrative costs re-  
17 lated to the conveyance does not include costs re-  
18 lated to any environmental remediation required for  
19 the property.

20 (2) TREATMENT OF AMOUNTS RECEIVED.—  
21 Amounts received as reimbursement under para-  
22 graph (1) shall be credited to the fund or account  
23 that was used to cover the costs incurred by the Sec-  
24 retary in carrying out the conveyance. Amounts so  
25 credited shall be merged with amounts in such fund

1 or account and shall be available for the same pur-  
 2 poses, and subject to the same conditions and limita-  
 3 tions, as amounts in such fund or account.

4 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
 5 and legal description of the real property to be conveyed  
 6 under subsection (a) shall be determined by a survey satis-  
 7 factory to the Secretary.

8 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
 9 Secretary may require such additional terms and condi-  
 10 tions in connection with the conveyance under subsection  
 11 (a) as the Secretary considers appropriate to protect the  
 12 interests of the United States.

13 **SEC. 2842. MODIFICATIONS TO LAND CONVEYANCE AU-**  
 14 **THORITY, ENGINEERING PROVING GROUND,**  
 15 **FORT BELVOIR, VIRGINIA.**

16 (a) CONSTRUCTION OF SECURITY BARRIER.—Section  
 17 2836 of the Military Construction Authorization Act for  
 18 Fiscal Year 2002 (division B of Public Law 107–107; 115  
 19 Stat. 1314), as amended by section 2846 of the Military  
 20 Construction Authorization Act for Fiscal Year 2006 (di-  
 21 vision B of Public Law 109–163; 119 Stat. 3527), is fur-  
 22 ther amended—

23 (1) in subsection (b)(4), by striking  
 24 “\$3,880,000” and inserting “\$4,880,000”; and

25 (2) in subsection (d)—

1 (A) in paragraph (1), by inserting after  
 2 “Virginia,” the following: “and the construction  
 3 of a security barrier, as applicable,”; and

4 (B) in paragraph (2), by inserting after  
 5 “Building 191” the following: “and the con-  
 6 struction of a security barrier, as applicable”.

7 (b) AUTHORITY TO ENTER INTO ALTERNATIVE  
 8 AGREEMENT FOR DESIGN AND CONSTRUCTION OF FAIR-  
 9 FAX COUNTY PARKWAY PORTION.—Such section 2836 is  
 10 further amended—

11 (1) in subsection (b)—

12 (A) by amending paragraph (1) to read as  
 13 follows:

14 “(1) except as provided in subsection (f), design  
 15 and construct, at its expense and for public benefit,  
 16 the portion of the Fairfax County Parkway through  
 17 the Engineer Proving Ground (in this section re-  
 18 ferred to as the ‘Parkway portion’);”; and

19 (B) in paragraph (2), by inserting after  
 20 “C514” the following: “, RW-214 (in this sec-  
 21 tion referred to as ‘Parkway project’)”;

22 (2) by redesignating subsection (f) as sub-  
 23 section (g);

24 (3) by inserting after subsection (e) the fol-  
 25 lowing new subsection:



1       “(f) ALTERNATE AGREEMENT FOR CONSTRUCTION  
2 OF ROAD.—(1) The Secretary of the Army may, in con-  
3 nection with the conveyance authorized under subsection  
4 (a), enter into an agreement with the Commonwealth pro-  
5 viding for the design and construction by the Department  
6 of the Army or the United States Department of Trans-  
7 portation of the Parkway portion and other portions of  
8 the Fairfax County Parkway off the Engineer Proving  
9 Ground that are necessary to complete the Parkway  
10 project (in this subsection referred to as the ‘alternate  
11 agreement’) if the Secretary determines that the alternate  
12 agreement is in the best interests of the United States  
13 to support the permanent relocation of additional military  
14 and civilian personnel at Fort Belvoir pursuant to deci-  
15 sions made as part of the 2005 round of defense base clo-  
16 sure and realignment under the Defense Base Closure and  
17 Realignment Act of 1990 (part A of title XXIX of Public  
18 Law 101–510; 10 U.S.C. 2687 note).

19       “(2) If the Secretary of Defense certifies that the  
20 Parkway portion is important to the national defense pur-  
21 suant to section 210 of title 23, United States Code, the  
22 Secretary of the Army may enter into an agreement with  
23 the Secretary of Transportation to carry out the alternate  
24 agreement under the Defense Access Road Program.

1       “(3) The Commonwealth shall pay to the Secretary  
2 of the Army the costs of the design and construction of  
3 the Parkway portion and any other portions of the Fairfax  
4 County Parkway off the Engineer Proving Ground de-  
5 signed and constructed under the alternate agreement.  
6 The Secretary shall apply such payment to the design and  
7 construction provided for in the alternate agreement.

8       “(4) The Secretary may carry out environmental res-  
9 toration activities on real property under the jurisdiction  
10 of the Secretary in support of the construction of the  
11 Parkway portion with funds appropriated for that pur-  
12 pose.

13       “(5) The alternate agreement shall be subject to the  
14 following conditions:

15           “(A) The Commonwealth shall acquire and re-  
16 tain all necessary right, title, and interest in any  
17 real property not under the jurisdiction of the Sec-  
18 retary that is necessary for construction of the Park-  
19 way portion or for construction of any other portions  
20 of the Fairfax County Parkway off the Engineer  
21 Proving Ground that will be constructed under the  
22 alternate agreement, and shall grant to the United  
23 States all necessary access to and use of such prop-  
24 erty for such construction.

1           “(B) The United States shall not be liable  
2           under the Comprehensive Environmental Response,  
3           Compensation, and Liability Act of 1980 (42 U.S.C.  
4           9601 et seq.), or any other Federal, State, or local  
5           law or regulation, for any environmental hazard or  
6           condition (including the presence of any hazardous  
7           substance, hazardous waste, or pollutant or contami-  
8           nant) on property to which the Commonwealth has  
9           acquired a right, title, or interest pursuant to sub-  
10          paragraph (A), except and only to the extent that  
11          the activities of the United States caused or contrib-  
12          uted to such hazard or condition.

13          “(C) The Secretary shall receive consideration  
14          from the Commonwealth as required in subsections  
15          (b)(2), (b)(3), and (b)(4) and shall carry out the ac-  
16          ceptance and disposition of funds in accordance with  
17          subsection (d).

18          “(6) The design of the Parkway portion under the  
19          alternate agreement shall be subject to the approval of the  
20          Secretary and the Commonwealth in accordance with the  
21          Virginia Department of Transportation Approved Plan,  
22          dated June 15, 2004, Project #R000-029-249, PE-108,  
23          C-514, RW-214. For each phase of the design and con-  
24          struction of the Parkway portion under the alternate  
25          agreement, the Secretary may—

1           “(A) accept funds from the Commonwealth; or

2           “(B) transfer funds received from the Common-  
3       wealth to the United States Department of Trans-  
4       portation.

5       “(7) Upon completion of the construction of the  
6       Parkway portion and any other portions of the Fairfax  
7       County Parkway off the Engineer Proving Ground re-  
8       quired under the alternate agreement, the Secretary shall  
9       carry out the conveyance under subsection (a). As a condi-  
10      tion of such conveyance carried out under the alternate  
11      agreement, the Secretary shall receive a written commit-  
12      ment, in a form satisfactory to the Secretary, that the  
13      Commonwealth agrees to accept all responsibility for the  
14      costs of operation and maintenance of the Parkway por-  
15      tion upon conveyance to the Commonwealth of such real  
16      property.”; and

17           (4) in subsection (g), as redesignated by para-  
18      graph (2), by inserting “or the alternate agreement  
19      authorized under subsection (f)” after “conveyance  
20      under subsection (a)”.

21   **SEC. 2843. LAND CONVEYANCES, OMAHA, NEBRASKA.**

22      (a) CONVEYANCES AUTHORIZED.—

23           (1) ARMY CONVEYANCE.—The Secretary of the  
24      Army may convey to the Metropolitan Community  
25      College Area, a public community college located in

1 Omaha, Nebraska (in this section referred to as the  
2 “College”) all right, title, and interest of the United  
3 States in and to three parcels of real property under  
4 the control of the Army Reserve, including any im-  
5 provements thereon, consisting of approximately  
6 5.42 acres on the Fort Omaha campus at the Col-  
7 lege, for educational purposes.

8 (2) NAVY CONVEYANCE.—The Secretary of the  
9 Navy may convey to the College all right, title, and  
10 interest of the United States in and to a parcel of  
11 real property under the control of the Navy Reserve  
12 and Marine Corps Reserve, including any improve-  
13 ments thereon, consisting of approximately 6.57  
14 acres on the Fort Omaha campus at the College, for  
15 educational purposes.

16 (b) CONSIDERATION.—

17 (1) IN GENERAL.—As consideration for each  
18 conveyance under subsection (a), the College shall  
19 provide the United States, whether by cash payment,  
20 in-kind consideration, or a combination thereof, an  
21 amount that is not less than the fair market value  
22 of the conveyed property, as determined pursuant to  
23 an appraisal acceptable to the Secretary concerned.

24 (2) REDUCED TUITION RATES.—The Secretary  
25 concerned may accept as in-kind consideration under

1 paragraph (1) reduced tuition rates for military per-  
2 sonnel at the College.

3 (c) PAYMENT OF COSTS OF CONVEYANCES.—

4 (1) PAYMENT REQUIRED.—The Secretary con-  
5 cerned shall require the College to cover costs to be  
6 incurred by the Secretary, or to reimburse the Sec-  
7 retary for costs incurred by the Secretary to carry  
8 out a conveyance under subsection (a), including  
9 survey costs, related to the conveyance. If amounts  
10 are collected from the College in advance of the Sec-  
11 retary incurring the actual costs, and the amount  
12 collected exceeds the costs actually incurred by the  
13 Secretary to carry out the conveyance, the Secretary  
14 shall refund the excess amount to the College.

15 (2) TREATMENT OF AMOUNTS RECEIVED.—

16 Amounts received under paragraph (1) as reim-  
17 bursement for costs incurred by the Secretary con-  
18 cerned to carry out a conveyance under subsection  
19 (a) shall be credited to the fund or account that was  
20 used to cover the costs incurred by the Secretary in  
21 carrying out the conveyance. Amounts so credited  
22 shall be merged with amounts in such fund or ac-  
23 count and shall be available for the same purposes,  
24 and subject to the same conditions and limitations,  
25 as amounts in such fund or account.

1 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
 2 and legal description of the real property to be conveyed  
 3 under subsection (a) shall be determined by surveys satis-  
 4 factory to the Secretaries concerned.

5 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
 6 Secretary concerned may require such additional terms  
 7 and conditions in connection with the conveyances under  
 8 subsection (a) as the Secretary considers appropriate to  
 9 protect the interests of the United States.

10 **DIVISION C—DEPARTMENT OF**  
 11 **ENERGY NATIONAL SECURITY**  
 12 **AUTHORIZATIONS AND**  
 13 **OTHER AUTHORIZATIONS**  
 14 **TITLE XXXI—DEPARTMENT OF**  
 15 **ENERGY NATIONAL SECURITY**  
 16 **PROGRAMS**  
 17 **Subtitle A—National Security**  
 18 **Programs**

19 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**  
 20 **TION.**

21 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
 22 are hereby authorized to be appropriated to the Depart-  
 23 ment of Energy for fiscal year 2007 for the activities of  
 24 the National Nuclear Security Administration in carrying

1 out programs necessary for national security in the  
2 amount of \$9,333,311,000, to be allocated as follows:

3 (1) For weapons activities, \$6,455,389,000.

4 (2) For defense nuclear nonproliferation activi-  
5 ties, \$1,726,213,000.

6 (3) For naval reactors, \$795,133,000.

7 (4) For the Office of the Administrator for Nu-  
8 clear Security, \$356,576,000.

9 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—

10 From funds referred to in subsection (a) that are available  
11 for carrying out plant projects, the Secretary of Energy  
12 may carry out new plant projects for the National Nuclear  
13 Security Administration as follows:

14 (1) For readiness in technical base and facili-  
15 ties, the following new plant projects:

16 Project 07–D–140, Readiness in Technical  
17 Base and Facilities Program, project engineer-  
18 ing and design, various locations, \$4,977,000.

19 Project 07–D–220, Radioactive liquid  
20 waste treatment facility upgrade project, Los  
21 Alamos National Laboratory, Los Alamos, New  
22 Mexico, \$14,828,000.

23 (2) For facilities and infrastructure recapital-  
24 ization, the following new plant project:



1                   Project 07–D–253, Technical Area 1 heat-  
2                   ing systems modernization, Sandia National  
3                   Laboratories, Albuquerque, New Mexico,  
4                   \$14,500,000.

5                   (3) For defense nuclear nonproliferation, the  
6                   following new plant project:

7                   Project 07–SC–05, Physical Sciences Fa-  
8                   cility, Pacific Northwest National Laboratory,  
9                   Richland, Washington, \$4,220,000.

10                  (4) For naval reactors, the following new plant  
11                  project:

12                  Project 07–D–190, Materials Research  
13                  Technology Complex, project engineering and  
14                  design, Bettis Atomic Power Laboratory, West  
15                  Mifflin, Pennsylvania, \$1,485,000.

16 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

17                  Funds are hereby authorized to be appropriated to  
18                  the Department of Energy for fiscal year 2007 for defense  
19                  environmental cleanup activities in carrying out programs  
20                  necessary for national security in the amount of  
21                  \$5,430,312,000.

22 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

23                  Funds are hereby authorized to be appropriated to  
24                  the Department of Energy for fiscal year 2007 for other

1 defense activities in carrying out programs necessary for  
 2 national security in the amount of \$624,530,000.

3 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

4 Funds are hereby authorized to be appropriated to  
 5 the Department of Energy for fiscal year 2007 for defense  
 6 nuclear waste disposal for payment to the Nuclear Waste  
 7 Fund established in section 302(c) of the Nuclear Waste  
 8 Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount  
 9 of \$333,080,000.

10 **Subtitle B—Other Matters**

11 **SEC. 3111. NOTICE AND WAIT REQUIREMENT APPLICABLE**  
 12 **TO CERTAIN THIRD PARTY FINANCING AR-**  
 13 **RANGEMENTS.**

14 Subtitle A of title XLVIII of the Atomic Energy De-  
 15 fense Act (50 U.S.C. 2781 et seq.) is amended by adding  
 16 at the end the following new section:

17 **“SEC. 4804. NOTICE AND WAIT REQUIREMENT APPLICABLE**  
 18 **TO CERTAIN THIRD PARTY FINANCING AR-**  
 19 **RANGEMENTS.**

20 “(a) NOTICE AND WAIT REQUIREMENT.—The Sec-  
 21 retary of Energy may not enter into an arrangement de-  
 22 scribed in subsection (b) until 30 days after the date on  
 23 which the Secretary notifies the congressional defense  
 24 committees in writing of the proposed arrangement.

25 “(b) COVERED ARRANGEMENTS.—

1           “(1) IN GENERAL.—Except as provided in para-  
2           graph (2), an arrangement referred to in subsection  
3           (a) is any alternative financing arrangement, third  
4           party financing arrangement, public-private partner-  
5           ship, privatization arrangement, private capital ar-  
6           rangement, or other financing arrangement that—

7                   “(A) is entered into in connection with a  
8                   project conducted using funds authorized to be  
9                   appropriated to the Department of Energy to  
10                  carry out programs necessary for national secu-  
11                  rity; and

12                  “(B) involves a contractor or Federal  
13                  agency obtaining and charging to the Depart-  
14                  ment of Energy as an allowable cost under a  
15                  contract the use of office space, facilities, or  
16                  other real property assets with a value of at  
17                  least \$5,000,000.

18           “(2) EXCEPTION.—An arrangement referred to  
19           in subsection (a) does not include an arrangement  
20           that—

21                   “(A) involves the Department of Energy or  
22                   a contractor acquiring or entering into a capital  
23                   lease for office space, facilities, or other real  
24                   property assets; or

1           “(B) is entered into in connection with a  
 2           capital improvement project undertaken as part  
 3           of an energy savings performance contract  
 4           under section 801 of the National Energy Con-  
 5           servation Policy Act (42 U.S.C. 8287).”.

6 **SEC. 3112. UTILIZATION OF INTERNATIONAL CONTRIBU-**  
 7 **TIONS TO THE GLOBAL THREAT REDUCTION**  
 8 **INITIATIVE.**

9           Section 3132 of the Ronald W. Reagan National De-  
 10          fense Authorization Act for Fiscal Year 2005 (Public Law  
 11          108–375; 50 U.S.C. 2569) is amended—

12           (1) by redesignating subsection (f) as sub-  
 13          section (g); and

14           (2) by inserting after subsection (e) the fol-  
 15          lowing new subsection:

16          “(f) INTERNATIONAL PARTICIPATION IN PRO-  
 17          GRAM.—(1) In order to achieve international participation  
 18          in the program under subsection (b), the Secretary of En-  
 19          ergy may, with the concurrence of the Secretary of State,  
 20          enter into one or more agreements with any person, for-  
 21          eign government, or other international organization that  
 22          the Secretary of Energy considers appropriate for the con-  
 23          tribution of funds by such person, government, or organi-  
 24          zation for purposes of the programs described in para-  
 25          graph (2)(B).

1       “(2)(A) Notwithstanding section 3302 of title 31,  
2 United States Code, and subject to paragraphs (3) and  
3 (4), the Secretary of Energy may retain and utilize for  
4 purposes of the programs described in subparagraph (B)  
5 any amounts contributed by a person, government, or or-  
6 ganization under an agreement under paragraph (1) with-  
7 out further appropriation and without fiscal year limita-  
8 tion.

9       “(B) The programs described in this subparagraph  
10 are the following programs within the Global Threat Re-  
11 duction Initiative:

12           “(i) The International Radiological Threat Re-  
13 duction program.

14           “(ii) The Emerging Threats and Gap Materials  
15 program.

16           “(iii) The Reduced Enrichment for Research  
17 and Test Reactors program.

18           “(iv) The Russian Research Reactor Fuel Re-  
19 turn program.

20           “(v) The Global Research Reactor Security pro-  
21 gram.

22           “(vi) The Kazakhstan Spent Fuel program.

23       “(3) The Secretary of Energy may not utilize under  
24 paragraph (2) any amount contributed under an agree-  
25 ment under paragraph (1) until 30 days after the date

1 on which the Secretary notifies the congressional defense  
2 committees of the intent to utilize such amount, including  
3 the source of such amount and the proposed purpose for  
4 which such amount will be utilized.

5 “(4) If any amount contributed under paragraph (1)  
6 has not been utilized within 5 years of such contribution,  
7 the Secretary of Energy shall return such amount to the  
8 person, government, or organization that contributed it.

9 “(5) Not later than 30 days after the receipt of any  
10 amount contributed under paragraph (1), the Secretary  
11 of Energy shall submit to the congressional defense com-  
12 mittees a notice of the receipt of such amount.

13 “(6) Not later than October 31 of each year, the Sec-  
14 retary of Energy shall submit to the congressional defense  
15 committees a report on the receipt and utilization of  
16 amounts under this subsection during the preceding fiscal  
17 year. Each report for a fiscal year shall set forth—

18 “(A) a statement of any amounts received  
19 under this subsection, including the source of each  
20 such amount; and

21 “(B) a statement of any amounts utilized under  
22 this subsection, including the purposes for which  
23 such amounts were utilized.

1 “(7) The authority of the Secretary of Energy to ac-  
 2 cept and utilize amounts under this subsection shall expire  
 3 on December 31, 2013.”.

4 **SEC. 3113. UTILIZATION OF INTERNATIONAL CONTRIBU-**  
 5 **TIONS TO THE SECOND LINE OF DEFENSE**  
 6 **CORE PROGRAM.**

7 (a) INTERNATIONAL CONTRIBUTIONS AUTHOR-  
 8 IZED.—In order to achieve international participation in  
 9 the Second Line of Defense Core Program administered  
 10 by the National Nuclear Security Administration, the Sec-  
 11 retary of Energy may, with the concurrence of the Sec-  
 12 retary of State, enter into one or more agreements with  
 13 any person, foreign government, or other international or-  
 14 ganization that the Secretary of Energy considers appro-  
 15 priate for the contribution of funds by such person, gov-  
 16 ernment, or organization for purposes of the program.

17 (b) UTILIZATION OF CONTRIBUTIONS.—Notwith-  
 18 standing section 3302 of title 31, United States Code, and  
 19 subject to subsections (c) and (d), the Secretary of Energy  
 20 may retain and utilize for purposes of the program any  
 21 amounts contributed by a person, government, or organi-  
 22 zation under an agreement under subsection (a) without  
 23 further appropriation and without fiscal year limitation.

24 (c) NOTICE AND WAIT REQUIREMENT.—The Sec-  
 25 retary of Energy may not utilize under subsection (b) any

1 amount contributed under an agreement under subsection  
2 (a) until 30 days after the date on which the Secretary  
3 notifies the congressional defense committees of the intent  
4 to utilize such amount, including the source of such  
5 amount and the proposed purpose for which such amount  
6 will be utilized.

7 (d) RETURN OF UNUTILIZED AMOUNTS.—If any  
8 amount contributed under subsection (a) has not been uti-  
9 lized within 5 years of such contribution, the Secretary  
10 of Energy shall return such amount to the person, govern-  
11 ment, or organization that contributed it.

12 (e) NOTIFICATION REQUIREMENT.—Not later than  
13 30 days after the receipt of any amount contributed under  
14 subsection (a), the Secretary of Energy shall submit to  
15 the congressional defense committees a notice of the re-  
16 ceipt of such amount.

17 (f) ANNUAL REPORT.—Not later than October 31 of  
18 each year, the Secretary of Energy shall submit to the con-  
19 gressional defense committees a report on the receipt and  
20 utilization of amounts under this subsection during the  
21 preceding fiscal year. Each report for a fiscal year shall  
22 set forth—

23 (1) a statement of any amounts received under  
24 this section, including the source of each such  
25 amount; and



1           (2) a statement of any amounts utilized under  
2           this section, including the purposes for which such  
3           amounts were utilized.

4           (g) **TERMINATION.**—The authority of the Secretary  
5 of Energy to accept and utilize amounts under this sub-  
6 section shall expire on December 31, 2013.

7 **SEC. 3114. EXTENSION OF FACILITIES AND INFRASTRUC-**  
8 **TURE RECAPITALIZATION PROGRAM.**

9           Section 3114 of the National Defense Authorization  
10 Act for Fiscal Year 2004 (Public Law 108–136; 50 U.S.C.  
11 2453 note) is amended by striking “2011” both places it  
12 appears and inserting “2013”.

13 **SEC. 3115. TWO-YEAR EXTENSION OF AUTHORITY FOR AP-**  
14 **POINTMENT OF CERTAIN SCIENTIFIC, ENGI-**  
15 **NEERING, AND TECHNICAL PERSONNEL.**

16           Section 4601(c)(1) of the Atomic Energy Defense Act  
17 (50 U.S.C. 2701(c)(1)) is amended by striking “Sep-  
18 tember 30, 2006” and inserting “September 30, 2008”.

19 **SEC. 3116. EXTENSION OF DEADLINE FOR TRANSFER OF**  
20 **LANDS TO LOS ALAMOS COUNTY, NEW MEX-**  
21 **ICO, AND OF LANDS IN TRUST FOR THE PUEB-**  
22 **LO OF SAN ILDEFONSO.**

23           Section 632 of the Departments of Commerce, Jus-  
24 tice, and State, the Judiciary, and Related Agencies Ap-

1 appropriations Act, 1998 (Public Law 105–119; 111 Stat.  
2 2523; 42 U.S.C. 2391 note) is amended—

3 (1) in subsection (d)(2), by striking “10 years  
4 after the date of enactment of this Act” and insert-  
5 ing “November 26, 2012”; and

6 (2) in subsection (g)(3)(B), by striking “the  
7 end of the 10-year period beginning on the date of  
8 enactment of this Act” and inserting “November 26,  
9 2012”.

10 **SEC. 3117. LIMITATIONS ON AVAILABILITY OF FUNDS FOR**  
11 **WASTE TREATMENT AND IMMOBILIZATION**  
12 **PLANT.**

13 Of the amount authorized to be appropriated under  
14 section 3102 for defense environmental cleanup activities  
15 and available for the Waste Treatment and Immobilization  
16 Plant—

17 (1) not more than 30 percent of such amount  
18 may be obligated or expended until the date on  
19 which the Secretary of Energy certifies to the con-  
20 gressional defense committees that the Defense Con-  
21 tract Management Agency has certified the earned  
22 value management system used to track and report  
23 costs of the Waste Treatment and Immobilization  
24 Plant; and

1           (2) not more than 60 percent of such amount  
2           may be obligated or expended until the date on  
3           which the Secretary of Energy certifies to the con-  
4           gressional defense committees that the final seismic  
5           and ground motion criteria have been approved by  
6           the Secretary and that the contracting officer of the  
7           Waste Treatment and Immobilization Plant Project  
8           has formally directed that the final criteria be used  
9           for the final design of the Pretreatment Facility and  
10          the High-Level Waste Facility of the Waste Treat-  
11          ment and Immobilization Plant.

12 **SEC. 3118. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
13 **IMPLEMENTATION OF THE RUSSIAN SUR-**  
14 **PLUS FISSILE MATERIALS DISPOSITION PRO-**  
15 **GRAM.**

16          (a) LIMITATION.—(1) Except as provided in sub-  
17 section (b), none of the amount authorized to be appro-  
18 priated under section 3101(a)(2) for defense nuclear non-  
19 proliferation activities may be obligated for the implemen-  
20 tation of the Russian Surplus Fissile Materials Disposition  
21 Program (in this section referred to as the “Program”)  
22 until 30 days after the date on which the Secretary of  
23 Energy provides to the congressional defense committees  
24 written recommendations regarding whether and in what  
25 manner the Program should proceed.

1       (2) The recommendations submitted under para-  
2 graph (1) shall include—

3           (A) a description of the disposition method the  
4 Government of Russia has agreed to use;

5           (B) a description of the assistance the United  
6 States Government plans to provide under the Pro-  
7 gram;

8           (C) an estimate of the total cost and schedule  
9 of such assistance;

10          (D) an explanation of how parallelism is to be  
11 defined for purposes of the Program and whether  
12 such parallelism can be achieved if the United States  
13 mixed-oxide (MOX) plutonium disposition program  
14 continues on the current planned schedule without  
15 further delays.

16       (b) EXCEPTION.—The limitation under subsection  
17 (a) does not apply to the obligation of funds to continue  
18 research and development associated with the Gas Tur-  
19 bine-Modular Helium Reactor (GT-MHR).

20 **SEC. 3119. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
21 **CONSTRUCTION OF MOX FUEL FABRICATION**  
22 **FACILITY.**

23       None of the amount authorized to be appropriated  
24 under section 3101(a)(2) for defense nuclear nonprolifera-  
25 tion activities may be obligated for construction project

1 99-D-143, the Mixed-Oxide (MOX) Fuel Fabrication Fa-  
2 cility, until 30 days after the date on which the Secretary  
3 of Energy provides to the congressional defense commit-  
4 tees—

5 (1) an independent cost estimate for the United  
6 States Surplus Fissile Materials Disposition Pro-  
7 gram and facilities; and

8 (2) a written certification that the Department  
9 of Energy intends to use the MOX Fuel Fabrication  
10 Facility for United States plutonium disposition re-  
11 gardless of the future direction of the Russian Sur-  
12 plus Fissile Materials Disposition Program.

13 **SEC. 3120. TECHNICAL CORRECTION RELATED TO AUTHOR-**  
14 **IZATION OF APPROPRIATIONS FOR FISCAL**  
15 **YEAR 2006.**

16 Effective as of January 6, 2006, and as if included  
17 therein as enacted, section 3101(a) of the National De-  
18 fense Authorization Act for Fiscal Year 2006 (Public Law  
19 109–163; 119 Stat. 3537) is amended by striking  
20 “\$9,196,456” and inserting “\$9,196,456,000”.

1 **TITLE XXXII—DEFENSE NU-**  
2 **CLEAR FACILITIES SAFETY**  
3 **BOARD**

4 **SEC. 3201. AUTHORIZATION.**

5       There are authorized to be appropriated for fiscal  
6 year 2007, \$22,260,000 for the operation of the Defense  
7 Nuclear Facilities Safety Board under chapter 21 of the  
8 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).



Calendar No. 426

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 2766**

[Report No. 109-254]

**A BILL**

To authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

MAY 9, 2006

Read twice and placed on the calendar